ACTS AND STATUTES Made in a PARLIAMENT,

Begun at *DUBLIN* the Fifth Day of *October*, *Anno Dom.* 1692. In the Fourth Year of the Reign of Our Most Gracious Soveraign Lord and Lady,

King *William* and Queen *Mary*.

Before His Excellency, *Henry* Lord Viscount *Sidney*, Lord Lieutenant General and General Governour of *IRELAND*.

AND LIKEWISE

In a Parliament begun at *Dublin* the Twenty seventh Day of *August*, *Anno Dom.* 1695. In the Seventh Year of the Reign of Our Most Gracious Soveraign Lord King *WILLIAM*: Before His Excellency *Henry* Lord *Capell*, Lord Deputy General, and General Governour of *IRELAND*.

AND

Continued by several Adjournments before Their Excellencies *Charles* Lord Marquess of *Winchester*, and *Henry* Earl of *Galway*, Lords Justices General and General Governours of *IRELAND*.

DUBLIN:
Printed by *Andrew Crook*, Printer to the King's Most Excellent Majesty; on the *Blind-Key* near *Copper-Alley*, 1699.

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Begun at DUBLIN the Fifth Day of October,
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Our Most Gracious Sovereign Lord and Lady,
King William and Queen Mary.

Before His Excellency, Henry Lord Viscount Sidney, Lord
Lieutenant General and General Governour of IRELAND.

AND

In a Parliament begun at Dublin the Twenty Seventh Day of
April, Anno Dom. 1695. In the Seventh Year of the Reign of Our
Most Gracious Sovereign Lord King WILLIAM: before His
Excellency Henry Lord Capel, Lord Deputy General, and General
Governour of IRELAND.

AND

Continued by Several Adjournments before Their Excellencies
Charles Lord Marquess of Winchester, and Henry Earl of Galway,
Lords Justices General and General Governours of IRELAND.

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The CONTENTS.

Anno Regni Quarto Gulielmi & Mariæ.

I. AN Act of Recognition of Their Majesty's undoubted Right to the Crown of *Ireland*.

II. An Act for Encouraging of Protestant Strangers to settle in the Kingdom of *Ireland*.

III. An Act for an Additional Duty of Excise, upon Beer, Ale and other Liquors.

IV. An Act for taking Affidavits in the Country, to be made use of in the Courts of Kings-Bench, Common-Pleas and Exchequer.

Anno Regni Septimo & Nono Gulielmi Tertii.

I. AN Act for an Additional Duty of Excise upon Beer, Ale, and other Liquors.

II. An Act for taking away the Writ *De Heretico Comburendo*.

III. An Act Declaring all Attainders, and all other Acts made in the late pretended Parliament to be void.

IV. An Act to Restrain Foreign Education.

V. An Act for the better Securing the Government by Disarming Papists.

VI. An Act for the better Settleing Intestates Estates.

VII. An Act for Reviving Two Statutes lately Expired; and for avoiding Unnecessary Sutes and Delays.

VIII. An Act for Redress of Inconveniencies for want of Proof of the Deceases of Persons beyond the Seas, and Absenting themselves, upon whose Lives Estates do depend.

IX. An Act for the more Effectual Suppressing of Prophane Cursing and Swearing.

X. An Act to take away Damage Clear.

XI. An Act to take away the Benefit of Clergy from him that doth Stabb another not having a Weapon drawn.

XII. An Act for prevention of Frauds and Perjuries.

XIII. An Act for the more easie Discharging of Sheriffs Accounts; and from being Justices of the Peace.

XIV. An Act Declaring which Days in the Year shall be Observed as Holy-Days.

XV. An Act for Granting a Supply to His Majesty, by Raising Money by a Poll, and otherwise.

XVI. An Act for Granting unto His Majesty, an Aid or Additional Custom on the several Goods and Merchandizes therein mentioned.

XVII. An Act for the better Observation of the Lord's day, commonly called Sunday.

XVIII. An Act for taking special Bails in the Country, upon Action and Sutes Depending in the Courts of King's-Bench, Common-Pleas and Exchequer at *Dublin*.

XIX. An Act for granting Tales on Tryals, to be had in the Court of the County Palatine of *Tipperary*, before the Seneschal.

XX. An Act concerning Fines in the County Palatine of *Tipperary*.

XXI. An Act for the better Suppreſſing Tories, Robbers and Rapparees: And for preventing Robberies, Burglaries, and other hainous Crimes.
XXII. An Act for the more Speedy and Effectual Proceeding upon Diſtreſſes and Avowries for Rent.
XXIII. An Act for continuing the Statute for an Additional Exciſe upon Beer, Ale and other Liquors.
XXIV. An Act for the better Regulating of Meaſures in and throughout this Kingdom.
XXV. An Act for the Prevention of Vexations and Oppreſſions by Arreſts; and of Delays in Sutes of Law.
XXVI. An Act for Baniſhing all Papiſts exerciſing any Eccleſiaſtical Juriſdiction, and all Regulars of the Popiſh Clergy out of this Kingdom.
XXVII. An Act for the Confirmation of Articles, made at the Surrender of the City of *Limerick*.
XXVIII. An Act to prevent Proteſtants Inter-Marrying with Papiſts.
XXIX. An Act for Granting an additional Duty on Tobacco; and for continuing unto His Majeſty an Aid, or additional Cuſtom on ſeveral Goods and Merchandizes. And alſo, for continuing the additional Duty on Beer and Ale, and other Liquors, till the Twenty fifth day of *December*, One thouſand Seaven Hundred and Two.
XXX. An Act to hinder the Reverſal of ſeveral Outlawries and Attainders, and to prevent the Return of Subjects of this Kingdom who have gone into the Dominions of the *French* King in *Europe*.
XXXI. An Act for making the Collectors Receipts for Quit-Rent, Crown-Rent and other Rents due to the Crown, full and legal Diſcharges for the ſame, and for limitting their Fees thereon.
XXXII. An Act for taking away the Benefit of Clergy in ſome Caſes.
XXXIII. An Act for Granting a Supply to His Majeſty, by Raiſing Money by way of a Poll.
XXXIV. An Act to Supply the Defects, and for the better Execution of an Act paſſed this preſent Seſſion of Parliament, Entituled, *An Act for the better Suppreſſing Tories and Rapparees; and for preventing Robberies, Burglaries, and other hanious Crimes*.
XXXV. An Act for the preventing Frivolous and Vexatious Law-Sutes, and giving Remedy to the parties Grieved, to Recover their Coſts at Law, in certain Caſes, where heretofore no Coſts were given.
XXXVI. An Act to prevent Frauds by Clandeſtine Mortgages.
XXXVII. An Act for the more eaſie obtaining Partitions of Lands in Coparcenary Joyn-Tenancy, and Tenancy in Common, and Bounding and Mearing of Lands.
XXXVIII. An Act for avoiding vexatious Delays, cauſed by Removing Actions and Sutes out of Inferior Courts.
XXXIX. An Act for Redreſs of certain abuſes, in making Pewter and Braſs.
XL. An Act for the more Eaſie and Speedy Securing, and Recovery of Small Debts.
XLI. An Act for dividing the Pariſh of Saint *Michan*'s within the City and Suburbs of *Dublin*, into Three diſtinct Pariſhes.

AN

An ACT of Recognition, of Their Majesties Undoubted Right to the Crown of *IRELAND*.

CHAP. I.

FORASMUCH as this Kingdom of Ireland, is Annexed and United to the Imperial Crown of England, and by the Laws and Statutes of this Kingdom, is declared to be Justly and Rightfully depending upon, and belonging, and for ever United to the same; and the Kings and Queens of England are by Undoubted Right, Kings and Queens of this Realm, and ought to Enjoy the Style, Title, Majesty, Power, Prehenminence, Jurisdiction, Prerogative and Authority of Kings and Queens of the same. And whereas our Sovereign Liege Lord and Lady, King WILLIAM and Queen MARY, since Their Happy Accession to the Crown of England, with great Expence of Blood and Treasure, and the Extream hazard of His Majesty's Royal Person, have Delivered this their Kingdom, from the Miseries and Calamities of an Intestine War, and most Horrid Rebellion, Raised up amongst us by the Irish Papists, and Instigated Abetted, and Supported by the Power of the French King; thereby Securing us against the Danger of Popery and Arbitrary Power, with which we were threatened in a most Eminent manner, and have most happily Reduced this Their Kingdom, to a State of Peace and Order, and Restored to us our

Laws and Liberties, and the Free and Impartial Administration of Justice. We the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, in the Name of all the People of this Kingdom, do from the bottom of our Hearts with all possible Thankfulness, acknowledge the Goodness of Almighty God, in Raising up Their Majesties to Deliver us, and to Reign over us, of whose Goodness, Wisdom and Courage, we have already found such Happy and Blessed Effects. And to the Intent and Purpose, that we may Publickly and Unanimously own, and assert our Faith and true Allegiance to Their Majesties, and that the same may remain as a memorial to all Posterity, amongst the Records of Parliament in this Kingdom. We the Lords Spiritual and Temporal, and Commons in Parliament Assembled, as We are in Duty bound, do Recognize & acknowledge that the Kingdom of Ireland, and all Titles, Stiles, Royalties, Jurisdictions, Rights, Priviledges, Prerogatives, and Prehemunences-Royal, thereunto belonging, are most Rightfully and Lawfully Vested in Their Majesties, King *WILLIAM* and Queen *MARY*, and that Their Most Excellent Majesties were, are, and of Right ought to be King and Queen of England, Ireland, Scotland, and France, and the Dominions and Territories thereunto belonging, in, and to whose Princely Persons, the Royal State, Crown and Dignity of the said Realms, with all Honours, Stiles, Titles Regalities, Prerogatives, Powers, Jurisdictions, and Authorities to the same belonging and Appertaining, are more Fully, Rightfully and Entirely Invested, and Incorporated, United and Annexed.

And

And We do beſeech Their Moſt Excellent Majeſties to accept of this our humble Recognition and Submiſſion, as the Firſt Fruits in this preſent Parliament, of our Faith and Duty to their Majeſties; and do pray that the ſame may be Publiſhed, Declared and Enacted in this high Court of Parliament, And the ſame are by Their ſaid Majeſties, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in Parliament Aſſembled, and by the Authority of the ſame, Declared, Enacted and Eſtabliſhed Accordingly.

An ACT for Encouragement of Proteſtant Strangers to Settle in the Kingdom of *IRELAND*.

CHAP. *II.*

WHEREAS in the Parliament held at Dublin the Eighth Day of May, in the Thirteenth Year of the Reign of Our Late Sovereign Lord King Charles the Second, and by Divers Prorogations held and Continued to the Seventeenth Day of April, in the Fourteenth Year of His ſaid Majeſty's Reign, a Certain Act of Parliament was made and paſſed, Entituled, An Act for Encouraging Proteſtant Strangers, and others, to Inhabit and plant in the Kingdom of *Ireland*, which ſaid Act, as to the Naturalizing the Strangers, thereby intended to be Naturalized, had Continuance only for the Term of Seaven Years from the End of the ſaid Parliament.

And

And Forasmuch as the said Act has been found to be of Good Advantage to this Your Majesties Kingdom. May it therefore please Your Majesties that it may be Enacted, And be it Enacted by the King and Queen's Most Excellent Majesties, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament Assembled, and by Authority of the same, that all and every part of the said Act for Encouraging Protestant Strangers, and others, to Inhabit and Plant in the Kingdom of *Ireland*, which is now expired, shall be, and is hereby Revived, and shall Continue and be in full Force and Vertue to all Intents and Purposes whatsoever, for, and during the term of Seaven Years from the End of this present Session of Parliament and no longer.

Provided always, That no Person or Persons shall have the Benefit thereof, until he shall, instead of the Oaths of Supremacy and Allegiance, which were by the said Act to be taken, take the Oaths hereafter mentioned, viz.

I A. B. do sincerely promise and swear that I will be Faithful, and bear true Allegiance to Their Majesties King *WILLIAM* and Queen *MARY*.

So help me God.

I A. B. do swear that I do from my heart abhor, detest, and abjure, as Impious and Heretical, that Damnable Doctrine and position that Princes Excommunicated or Deprived by the Pope, or any Authority of the See of *Rome*, may be deposed and murthered by their Subjects, or any other whatsoever. And I do declare that no Foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction,

diction, Power, Superiority, Pre-heminence or Authority, Eccleſiaſtical or Spiritual within this Realm.

So help me God.

And ſhall alſo make and Subſcribe the Declaration following, viz.

I A. B. Do Solemnly and Sincerely in the preſence of God, Profeſs, Teſtifie and Declare, that I do Believe that in the Sacrament of the Lords-Supper there is not any Tranſubſtantiation of the Elements of Bread and Wine into the *B*ody and *B*lood of Chriſt, at, or after the Conſecration thereof by any Perſon whatſoever, and that the Invocation or Adoration of the Virgin *Mary*, or any other *S*aint, and the Sacrifice of the Maſs, as they are now Uſed in the Church of *Rome*, are Superſtitious and Idolatrous. And I do Solemnly in the preſence of God, Profeſs, Teſtify and Declare, That I do make this Declaration, and every part thereof, in the plain and Ordinary Senſe of the words Read unto me, as they are Commonly underſtood by Proteſtants, without any Evaſion, Equivocation, or Mental Reſervation whatſoever, and without any Diſpenſation already granted me for this purpoſe, by the Pope, or any other Authority or Perſon whatſoever, or without Diſpenſation from any Perſon or Authority whatſoever, or without believing that I am, or can be acquitted before God or Man, or Abſolved of this Declaration, or any part thereof, although the Pope, or any other Perſon or Perſons, or Power whatſoever ſhould Diſpence with, or Annul the ſame, or Declare that it was Null and Void from the beginning.

Which ſaid Oaths and Declaration ſhall be Solemnly and Publickly made and Subſcribed in the

High Court of Chancery, Court of Kings-Bench, or in open Court in the Seſſion time, before three or more Juſtices of the Peace in any County of this Kingdom where ſuch perſon or perſons ſhall Reſide, or before any Judge, or Juſtice of Aſſize in his Circuit, Who are hereby Impowered and Authorized to Adminiſter the ſame, and thereupon to Certify his or their doing thereof into the High Court of Chancery, there to remain on Record, and that the fee only of One ſhilling be taken upon Adminiſtring the ſaid Oaths, and Subſcribing the ſaid Declaration, One ſhilling for Certifying the ſame, and One ſhilling for Recording the ſame in Chancery.

And be it further Enacted by the Authority aforeſaid, that all Proteſtant Strangers and Foreigners, who at any time hereafter ſhall come into this Kingdom, and ſhall take the Oaths, and Subſcribe the Declaration herein above-mentioned, ſhall have and enjoy the free Exerciſe of their Religion, and have Liberty of Meeting together publickly for the Worſhip of God, and of hearing Divine Service, and performing other Religious Duties in their own ſeveral Rites Uſed in their own Countries, any Law or Statute to the contrary notwithſtanding.

An ACT for an Additional Duty of Exciſe, upon Beer, Ale and other Liquors.

CHAP. *III.*

An ACT for taken Affidavits in the Country, to be made Uſe of in the Courts of Kings-Bench, Common-Pleas and Exchequer.

CHAP. IV.

FOR the greater eaſe and benefit of all perſons whatſoever, in the taking of Affidavits to be made uſe of, and Read in Their Majeſties Courts of

of Kings-Bench, Common-Pleas and Exchequer, at Dublin, as well in matters and things relating to Their Majesties, and Their Revenue, as in all other Matters and Causes whatsoever depending or to be depending in all or any of the Courts aforesaid, or any ways concerning the Proceedings of, or in the same.

Be it Enacted by the King and Queen's Most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons of this present Parliament Assembled, and by the Authority of the same, That the Chief Justice, or other the Justices of the Court of King's-Bench, for the time being, or any two of them, whereof the Chief Justice, for the time being, to be one for the said Court of King's-Bench, and the Chief Justice of the Common-Pleas, and the rest of the Justices there, for the time being, or any two of them, whereof the Chief Justice of the same Court to be one for the said Court of Common-Pleas, and also the Lord-Treasurer, Chancellour, and Barons of the Court of Exchequer, for the time being, or any two or more of them, whereof the Lord-Treasurer, Chancellour, or Lord Chief Baron, for the time being, to be one for the said Court of Exchequer, shall or may by one or more Commission or Commissions under their Hands, and the several Seals of the said Respective Courts, from time to time, as need shall require, Impower such, and as many Persons as they, or any two of them, as aforesaid, shall think fit and Necessary, in all and every the several Counties of this Kingdom, to Take and Receive all and every such Affidavit and Affidavits, as any Person or Persons shall be willing and desirous to make before any of the Persons so Impowered, in or concerning any Cause,

Mat-

Matter, or thing Depending, or any ways conterning any of the Procedings, to be in any of the said Respective Courts, and that it shall and may be Lawful for any Judge of Assize in his Circuit, to take and Receive any Affidavit or Affidavits, as any Person or Persons shall be willing or desirous to make before him, in or concerning any Cause, Matter or Thing Depending, or hereafter to be Depending, or in any Wise concerning any Procedings, to be in the said Courts of Kings-Bench, Common-Pleas, or Exchequer, or any of them, and that all and every Affidavit and Affidavits taken as aforesaid, shall be of the same Force, as Affidavits taken in the said Respective Courts now are.

Provided that for the Swearing and Taking of such Affidavit the Person or Persons so Impowered, or taking the same, for so doing shall receive only the summ. or Fee, of One Shilling, sterling, and no more.

Provided further, That all and Every Person and Persons, Swearing Falsly, or Forswearing him, her, or themselves in such Affidavit or Affidavits, shall incurr. and be liable unto the same penalties as if such Affidavit or Affidavits had bein made or taken in open Court. And for the prevention and better Discovery of all Frauds and Perjury.

Be it Enacted, by the Authority aforesaid, That no Affidavit taken by any Commissioners Authorized, as aforesaid, shall be Read, or made use of, in any of the Courts aforesaid, unless the Commissioner or Person that take the same mention in the Caption thereof, as well the day when, as also the place and County where the same was Sworn.

Provided also that the said Affidavits taken, as aforesaid, shall not be Read, or made use of. in any of the said Courts, before the same be Filed in the Respective Courts.

An

An ACT for an Additional Duty of Exciſe, upon Beer, Ale and other Liquors.
CHAP. I.

An ACT for taking away the Writ *De Heretico Comburendo.*
CHAP. II.

BE it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this Parliament Aſſembled, And by Authority of the ſame, That the Writt commonly called Breve de Heretico Comburendo, with all Proceſs and Proceedings thereupon, in Order to the Executing ſuch Writt or following or depending thereupon, And all puniſhment by Death in purſuance of Eccleſiaſtical Cenſures be from henceforth utterly taken away and Aboliſhed, any Law, Statute, Canon, Conſtitution, Cuſtom or Uſage to the Contrary heretofore, or now in Force in any Wiſe Notwithſtanding. Provided always, That nothing in this Act ſhall Extend or be Conſtrued to take away or Abridge the Juriſdiction of Protеſtant Arch-Biſhops or Biſhops, or any other Judges of any Eccleſiaſtical Courts in Caſes of Atheiſm, Blaſphemy, Hereſy or Schiſm, or other Damnable Doctrines and Opinions, But that they may proceed to Puniſh the ſame according to His Majeſties Eccleſiaſtical Laws by Excommunication, Deprivation, Degradation; And other Eccleſiaſtical Cenſures, not extending to Death, in ſuch ſort and no other as they might have done before the making of this Act, any thing in this Law contained to the contrary in any Wiſe notwithſtanding.

An Act Declaring all Attainders and all other Acts made in the late pretended Parliament to be void.

CHAP. III.

FORASMUCH as since the happy Accession of His Majesty, King WILLIAM, and the Late Queen MARY, of Blessed Memory, to the Imperial Crown of England, whereunto this Kingdom of Ireland is Inseparably Annexed, United and Belonging, no Parliament could or ought to be holden within this Kingdom, unless by their Majesties Authority; Yet Nevertheless divers Persons during the late War and Rebellion in this Kingdom, Did on or about the Seventh Day of May, One Thousand Six Hundred Eighty Nine, Assemble themselves at or near the City of Dublin, without Authority Derived from their Majesties; And in opposition thereto. And being so Assembled did pretend to be, and did call themselves by the Name of a Parliament, and Acting in Concurrence with the Late King JAMES, did make and pass several pretended Acts or Statutes, and did Cause the same to be Placed and Recorded amongst the Records and Proceedings of Parliament. All which pretended Acts were Formed and Designed in manifest opposition to the Sovereignty of the Crown of England, and for the utter Destruction of the Protestants, and the whole Protestant Interest in this Kingdom; And are and were Null and Void to all Intents and Purposes Whatsoever.

And Whereas Their said Majesties out of Their Pious and Princely Care of and for Their Dutiful and Loyal Protestant Subjects of this Kingdom, and for their better Security and Relief by an Act of Their Parliament of England made at Westminster

minſter in the Firſt Year of Their ſaid Majeſties Reign, were Graciouſly pleaſed to Enact and Declare, That the ſaid pretended Parliament ſo as aforeſaid Aſſembled at Dublin was not a Parliament, but an Unlawful and Rebellious Aſſembly, And that all Acts and Proceedings whatſoever had, Made, Done or Paſſed, or to be had, Made, Done or Paſſed in the ſaid Pretended Parliament ſhould be Taken, Deemed, Adjudged and Declared to be Null and Void to all Intents, Conſtructions and Purpoſes whatſoever. For which We the Lords Spiritual and Temporal and Commons in this preſent Parliament Aſſembled, Do Return Our Moſt Hearty and Unfeigned Thanks to His Moſt Sacred Majeſty. And for the better and further Quieting and Aſſuring the minds of His Majeſties Good Subjects, and to the Intent that no Memorial hereafter may remain amongſt the Records of Parliament of any of the Acts or Proceedings of the ſaid Unlawful and Rebellious Aſſembly, We the Lords Spiritual and Temporal, and Commons in Parliament Aſſembled, Do moſt humbly Beſeech your Majeſty, That it may be Enacted. And be it Enacted by the Kings Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled; And by the Authority of the ſame, That all and every the Acts or pretended Acts, and the Rolls whereon the ſaid Acts or pretended Acts, and every of them are Recorded or Engroſſed, And all Proceedings of What nature or kind ſoever had made, done or paſſed by the ſaid perſons lately ſo aſſembled at Dublin, pretending to be, or calling themſelves by the name of a Parliament; and alſo all Writs iſſued in order to the Calling of the ſaid pretended Parliament, and returned into any Of-

An Act Declaring all Attainders and all other Acts made in the late pretended Parliament to be void.

CHAP. III.

FORASMUCH as ſince the happy Acceſſion of His Majeſty, King WILLIAM, and the Late Queen MARY, of Bleſſed Memory, to the Imperial Crown of England, whereunto this Kingdom of Ireland is Inſeparably Annexed, United and Belonging, no Parliament could or ought to be holden within this Kingdom, unleſs by their Majeſties Authority; Yet Nevertheleſs divers Perſons during the late War and Rebellion in this Kingdom, Did on or about the Seventh Day of May, One Thouſand Six Hundred Eighty Nine, Aſſemble themſelves at or near the City of Dublin, without Authority Derived from their Majeſties; And in oppoſition thereto. And being ſo Aſſembled did pretend to be, and did call themſelves by the Name of a Parliament, and Acting in Concurrence with the Late King JAMES, did make and paſs ſeveral pretended Acts or Statutes, and did Cauſe the ſame to be Placed and Recorded amongſt the Records and Proceedings of Parliament. All which pretended Acts were Formed and Deſigned in manifeſt oppoſition to the Sovereignty of the Crown of England, and for the utter Deſtruction of the Proteſtants, and the Whole Proteſtant Intereſt in this Kingdom; And are and were Null and Void to all Intents and Purpoſes whatſoever.

And whereas Their ſaid Majeſties out of Their Pious and Princely Care of and for Their Dutiful and Loyal Proteſtant Subjects of this Kingdom, and for their better Security and Relief by an Act of Their Parliament of England made at Weſtminſter

minſter in the Firſt Year of Their ſaid Majeſties Reign, were Graciouſly pleaſed to Enact and Declare, That the ſaid pretended Parliament ſo as aforeſaid Aſſembled at Dublin was not a Parliament, but an Unlawful and Rebellious Aſſembly, And that all Acts and Proceedings whatſoever had, Made, Done or Paſſed, or to be had, Made, Done or Paſſed in the ſaid Pretended Parliament ſhould be Taken, Deemed, Adjudged and Declared to be Null and Void to all Intents, Conſtructions and Purpoſes whatſoever. For which We the Lords Spiritual and Temporal and Commons in this preſent Parliament Aſſembled, Do Return Our Moſt Hearty and Unfeigned Thanks to His Moſt Sacred Majeſty. And for the better and further Quieting and Aſſuring the minds of His Majeſties Good Subjects, and to the Intent that no Memorial hereafter may remain amongſt the Records of Parliament of any of the Acts or Proceedings of the ſaid Unlawful and Rebellious Aſſembly, We the Lords Spiritual and Temporal, and Commons in Parliament Aſſembled, Do moſt humbly Beſeech your Majeſty, That it may be Enacted. And be it Enacted by the Kings Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled; And by the Authority of the ſame, That all and every the Acts or pretended Acts, and the Rolls whereon the ſaid Acts or pretended Acts, and every of them are Recorded or Engroſſed, And all Proceedings of What nature or kind ſoever had made, done or paſſed by the ſaid perſons lately ſo aſſembled at Dublin, pretending to be, or calling themſelves by the name of a Parliament; and alſo all Writs iſſued in order to the Calling of the ſaid pretended Parliament, and returned into any Of-

fice in this Kingdom and there remaining, and all the Journals of the said pretended Parliament and other Books or Writings in any Wise relating thereunto, or to the holding thereof, shall by the Officers or Persons in Whose custody the same are, be brought before the Lord Deputy or other Chief Governour or Governours of this Kingdom for the time being, at such time as the Lord Deputy or other Chief Governour or Governours for the time being shall appoint at the Council-Chamber in Dublin, and there shall be publickly and openly Cancelled and utterly Destroyed; and in case any Officer or Person in Whose hands or custody the said Acts and Rolls or Proceedings or any of them do or shall remain, shall Wilfully neglect or refuse to produce the same to the intent that the same may be Cancelled and Destroyed according to the true intent of this Act, every such Person and Officer shall be and is hereby adjudged and declared to be from thenceforth incapable of any Office or Imployment Whatsoever; and shall Forfeit and Pay the Summ of Five hundred pounds, one half thereof to His Majesty and the other half to such person or persons that shall Sue for the same by any Action of Debt, Bill, Plaint or Information in any Court of Record Whatsoever.

And Whereas the said Unlawful Assembly, calling themselves a Parliament did take upon them to Pass one or more pretended Acts, whereby in most Cruel and Barbarous manner they did by Express Name Attaint of High-Treason the greatest part of the Lords Spiritual and Temporal and principal Commons of this Kingdom, all Which Attainders as also all other Acts and Proceedings or pretended Acts or Procedings of the said Pretended Parliament are hereby Declared and Enacted to have been from the first making there-

thereof and now to be absolutely Null and Void to all Intents, Constructions and Purposes whatsoever.

Be it further Enacted and Declared by the Authority aforesaid. That all and every person and persons who by Express Name or otherwise, by any proceedings of the said pretended Parliament were Attainted of High-Treason or any other Crime, or subjected to any Incapacity, Disability or Forfeiture, are hereby Declared and Enacted to have been, ever since the making of the said pretended Act or Acts, and to be persons lawful, able and capable to all intents and purposes whatsoever, and free and discharged of and from all Attainders, Corruption of Blood, Disabilities, Incapacities and Forfeitures whatsoever, as fully, freely and intirely, as if the said Acts or pretended Acts, or any of them had not been made or passed, and as if they and every of them had been particularly named in this Act, and by express name and words had been declared to be restored in Blood, made Capable, Freed and Discharged as aforesaid.

An Act to Restrain Foreign Education.

CHAP. IV.

Whereas many of the Subjects of this Kingdom, have accustomed themselves to send their Children, and other Persons under their Care, into France, Spain, and other Foreign parts, not under His Majesty's Obedience, to be Educated, Instructed and brought up; by means and occasion whereof, the said Children and other Persons, have in process of time, Engaged themselves in Foreign Interests, and been prevailed upon to forget the

Natural Duty and Allegiance due from them to the Kings and Queens of this Realm, and the Affection which they owe to the Established Religion and Laws of this their Native Country, and Returning Evilly Disposed into this Kingdom, have been in all times past, the Movers and Promoters of many Dangerous Seditions, and often times of open Rebellion. For Remedy whereof,

Be it therefore Enacted & Declared by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That in Case any of his Majesty's Subjects of this Realm of Ireland, at any time after the end of this Session of Parliament, shall pass, or go, or shall convey or send, or cause to be conveyed or sent, any Child, or other Person, into any parts beyond the Seas, out of his Majesty's Obedience, to the Intent and Purpose to Enter into, or be Resident or Trained up in any Priory, Abby, Nunnery, Popish University, Colledge or School, or house of Jesuits or Priests; or in case any of his Majesty's Subjects of this Kingdom, shall after the time aforesaid pass or go, or be conveyed or sent out of this Kingdom, into any parts beyond the Seas out of the King's Obedience, to the intent and purpose to be Resident or Trained up in any private Popish Family, and shall be in such parts beyond the Seas by any Jesuite, Seminary Priest, Fryer, Monk or other Popish Person Instructed, Perswaded or Strengthned in the Popish Religion, in any sort to profess the same, or shall convey or send, or cause to be conveyed or sent, by the hands or means of any person whatsoever, any Summ or Summs of Money, or other thing for or towards the Maintenance or Support of any Child or other Person

already

already gone or sent, or that shall hereafter go or be sent, and be Trained and Instructed as aforesaid, or under the name or colour of any Charity, Benevolence or Alms towards the Relief of any Priory, Abby Nunnery, Colledge, School or any Religious House whatsoever; every Person so going, sending, conveying or causing to be sent or conveyed or sent, as well any such Child or other Person, as any Summ or Summs of Money or other thing, and every Person passing or being sent beyond the Seas, contrary to the Intent and Meaning of this Act, and being thereof lawfully Convicted in manner and form hereafter mentioned, or upon any Information, Presentment or Indictment for any the Offences as aforesaid, to be found by any Jury of twelve Men of the County or City, or Town Corporate, where such person or persons so going or sending shall have any Estate of Inheritance, when he or they did so send or go, such person and persons so going or sending wilfully, from and after such going or sending, shall be for ever Disabled, from and after such finding, to Sue, Bring or Prosecute any Action, Bill, Plaint, or Information in course of Law, or to Prosecute any Suit in any Court of Equity, or to be Guardian, or Executor, or Administrator to any person, or Capable of any Legacy or Deed of Gift or to bear any Office within the Realm, and shall Lose and Forfeit all his, her, and their Goods and Chatties, which he she, or they hath, or any other person or persons have, or hath in trust for him, her, and them, and shall forfeit all his, her, and their Lands, Tenements and Hereditaments, Rents, Annuities Offices and Estate of Free-hold, and all Trusts, Powers and Interests therein, for and during his her, and their natural Life and Lives,

And be it further Enacted by the Authority aforesaid,

said, that if any Information be given to any Justice of the Peace that any such Child or other Person, Summ of Money, or other thing is or are gone or sent away, Contrary to the Tenor of this Act; that then every such Justice of the Peace within the Limits of his Jurisdiction is hereby Authorized and Required forthwith to Cause to be brought before him, all such persons Suspected, or Charged to have Offended therein; And shall Examine the person or persons so Suspected or Accused without Oath: And also shall Examine any other Person or Witnesses, upon such his and their several and respective Corporal Oaths, concerning the same: And if upon such Examination it shall appear probable to such Justices of the Peace, that such Child or other Person, Summ of Money, or other thing is, or are gone or sent away, contrary to the true Intent and Meaning of this Act, then the said Justices of the Peace shall Bind the said suspected person or persons, with sufficient Sureties, and such other persons as he shall judge fit to give Evidence: And the said Informer or Informers in Recognizances of the Summ of Two hundred pounds, or such greater Summ or Summs, as to the said Justice or Justices of the Peace shall seem reasonable, with Condition to appear at the next Quarter-Sessions of the Peace to be held for the said County, where such Offence or Offences is, or are supposed to be Committed, or where the Offenders did last Reside, or were taken, and not to depart the said Court without License: And the said Justice of the Peace shall at the first Sitting of the said Court of Quarter-Sessions, Return the said Examinations and Recognizances, unto the Clerk of the Peace in open Court, who shall cause an Information to be Framed against such person and persons,

perſons, or Suſpected perſon or perſons, who ſhall inſtantly Anſwer thereunto, and proceed to Tryal thereon, and in Caſe upon ſuch Tryal it ſhall by proof appear to the ſaid Court of Quarter-Seſſions, that any Perſon, Summ of Money, or other Thing was by him, her or them, Sent or Conveyed, or cauſed to be Sent or Conveyed into any parts beyond the Seas, out of His Majeſty's Obedience; And in Caſe by ſuch proof, it ſhall appear probable to the ſaid Court, that ſuch Sending or Conveying, was contrary to the true Intent and Meaning of this Act, then he, ſhe or they, ſhall take upon him, her or themſelves, the proof where ſuch Child, or other Perſon ſo by them ſent, then is, and alſo to What intent and purpoſe ſuch ſumm or ſumms of Money, or other thing was or Were ſent by him or them beyond the Seas; And in caſe any ſuch Child or Children, or other Perſon or Perſons that ſhall go, as aforeſaid, Contrary to the Intent and Meaning of this Act, or be ſent or Conveyed away, as aforeſaid, or any Summ or Summs of Money by Way of Exchange, or any other Ways or means Whatſoever, ſhall be ſent after the time herein Limitted, beyond the Seas into Foreign parts, as aforeſaid, to any the Intents and Purpoſes aforeſaid, Contrary to the Deſign or Intent of this Act, that ſuch going or ſending ſhall be Adjudged, Deemed, and taken to be going or ſending, Contrary to this Act, unleſs the Party or Parties denying the ſame ſhall prove the Contrary, or if by Failure of ſuch proof or otherwiſe upon Examination it ſhall appear to the ſaid Court of Quarter-Seſſions of the Peace, that ſuch Offence or Offences hath or have been Committed Contrary to this Act, the ſame being Entred on Record, ſhall be a Conviction as well of the Perſon or Perſons ſo being ſent, as of the Parties ſo ſending,

and they and every of them shall Forfeit and Incur all the Pains and Penalties and Disabilities before recited and mentioned: The one Moyety of all such Forfeitures to be to his Majesty, his Heirs and Successors, and the other Moyety to him or Them that shall Sue for the same in any Court of Record, by any Action, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law, or more then one Imparlance shall be allowed.

Provided always, that if any person or persons against whom such Judgment shall be given or pronounced at such General Quarter-Sessions of the Peace, as aforesaid, shall find him or herself agrieved thereby, it shall and may be Lawful to and for such person or persons respectively to appeal to the Justices of Assize of the said County at the next Assizes to be held for the same: Which said Justices of Assize are hereby Authorized in the same Assizes, to cause the said Proceedings in the said General Quarter-Sessions of the Peace to be brought before them, and there to Review and Examine the same by such ways and means as to them shall seem Expedient, and to Reverse, Alter and Confirm the same, and every part thereof, as to Justice shall appertain: And all and every Officer and Officers in whose Custody or Power such Proceedings and Conviction shall be at the time of such Inquiry by the said Judge or Judges of Assize, shall obey the Orders and Directions of the said Judge or Judges of Assize therein.

Provided always, that if any person be Convicted of being sent beyond the Seas, contrary to this Act, by the Conviction of the person sending or conveying him, only such person upon his return into this Kingdom, shall at any time within Twelve Months after such his or her return, or within Twelve Months after his or her attaining the Age

of

of One and tWenty Years, upon his Prayer by Motion to the Court of King's-Bench of this Kingdom, be admitted to his Tryal, and the Judges of the ſaid Court are hereby Impowered and Required forthWith upon ſuch Prayer, to cauſe an Information to be Exhibited againſt ſuch perſon or perſons to Which he or they ſhall plead, and thereupon the ſaid Court ſhall proceed to Tryal of ſuch perſon or perſons, by Jury of the County Where the ſaid Court ſhall then Sit; and the Defendant or Defendants in ſuch caſe ſhall upon his or their Tryal, be obliged to prove to What intent or purpoſe he, ſhe, or they Was, or Were ſent or conveyed beyond the Seas, and unleſs he, ſhe or they ſhall make ſuch proof, Whereby it may appear, that he, ſhe or they, Were not ſent or conveyed contrary to this Act, it ſhall be taken for granted, that he Was ſent contrary to this Act, as though the ſame had been fully proved: And in caſe upon his, her or their Tryal, ſuch perſon or perſons ſhall be Acquitted, he, ſhe and they ſo Acquitted, ſhall be Diſcharged of all the Diſabilities, Penalties any Forfeitures in this Act, except his, her or their Goods and Chattles, and the profits of his, her or their Lands, incurred and received before ſuch Acquittal.

Provided alſo, that every ſuch perſon ſent or Conveyed, as aforeſaid, that ſhall Within Six Months after his Return into this Kingdom, in the High Court of Chancery, or Court of King's-Bench in Term time, betWeen the hours of Eight and Twelve in the Morning take the Oaths and Repeat and Subſcribe the Declaration, mentioned and appointed, in and by One Act lately made in the Parliament of England, Intituled, An Act for Abrogating the Oath of Supremacy in *Ireland*, and appointing other Oaths; ſhall from thenceforth be Diſcharged of all the Incapacities and Diſabilities aforeſaid,

aforesaid; And shall from the time of his taking such Oaths, and Making, Repeating and Subscribing such Declaration, be restored to the Receipt of the future growing Rents, Issues and Profits of his said Real Estate only; but shall nevertheless lose all the past Rents, Issues and Profits thereof, and all his Personal Estate, any thing before in this Act to the contrary notwithstanding.

Provided always, that if such person or persons at any time after his or their taking the said Oaths, and Making, Repeating and Subscribing the said Declaration, profess him, her, or themselves of the Popish Religion, or refuse the taking the said Oaths, and Repeating and Subscribing the said Declaration, when the same shall be to him, her or them, tendred by the Justices of the Peace in their open Quarter-Sessions of the Peace for the County, or place where such person or persons shall Reside: Which the said Justices are hereby Authorized and Required, to tender to all whom they shall suspect to have Relapsed, or shall upon due Summons refuse to appear at such Quarter-Sessions, for the purpose aforesaid, in every such Case the said person or persons shall Incurr, Forfeit and Suffer all & every the Disabilities, Pains, Penalties and Losses, herein before contained, as if such person or persons had never taken the said Oaths, or Repeated and Subscribed the said Declaration.

And be it further Enacted by the Authority aforesaid, That all and every the Offences against this Act, may be Inquired into, Heard and Determined before the Justices of the King's-Bench, or Justices of Assizes, or Goal-Delivery, or of Oyer and Terminer of such Counties where the Offenders did last Dwell or abide, or whence he, she or they departed, or were sent out of the Kingdom, or where he, she or they went, or shall be respectively Taken or Apprehended. Pro-

Provided always, That if any person shall upon his Tryal before the Justices of the Peace, at the General Quarter-Sessions, be acquitted by the said Court, of any offence against this Act, or upon his appeal to the Judges of Assize, in such manner as by this Act is directed, shall by the said Judges of Assize be acquitted; or in Case he shall upon his Tryal be acquitted by the Jury, upon any Indictment, Presentment or Information Prosecuted against him for any Offence contrary to this Act, such person so acquitted shall not be lyable after such acquittal to be Prosecuted upon this Act in any other manner for the same Offence.

And Whereas it is found by experience that Tolerating & Conniving at Papists keeping Schools or Instructing Youth in Litterature, is one great reason of many of the Natives of this Kingdom, continuing ignorant of the Principles of True Religion, and Strangers to the Scriptures, and of their neglecting to conform themselves to the Laws and Statutes of this Realm, and of their not using the English Habit and Language, to the great prejudice of the Publick Weal thereof

Be it further Enacted by the Authority aforesaid That no person whatsoever of the Popish Religion, shall publickly Teach School, or Instruct Youth in Learning, or in private Houses, Teach or Instruct Youth in Learning within this Realm from henceforth, except only the Children or others under the Guardianship of the Master or Mistris of such private House or Family, upon pain of Twenty pounds and also of being Committed to Prison, Without Bail or Mainprize, for the space of three Months for every such Offence: And to the intent that no pretence may be made or used, that there are not sufficient numbers of Schools in this Realm to In-

aforesaid; And shall from the time of his taking such Oaths, and Making, Repeating and Subscribing such Declaration, be restored to the Receipt of the future growing Rents, Issues and Profits of his said Real Estate only; but shall nevertheless lose all the past Rents, Issues and Profits thereof, and all his Personal Estate, any thing before in this Act to the contrary notwithstanding.

Provided always, that if such person or persons at any time after his or their taking the said Oaths, and Making, Repeating and Subscribing the said Declaration, profess him, her, or themselves of the Popish Religion, or refuse the taking the said Oaths, and Repeating and Subscribing the said Declaration, when the same shall be to him, her or them, tendred by the Justices of the Peace in their open Quarter-Sessions of the Peace for the County, or place where such person or persons shall Reside: Which the said Justices are hereby Authorized and Required, to tender to all whom they shall suspect to have Relapsed, or shall upon due Summons refuse to appear at such Quarter-Sessions, for the purpose aforesaid, in every such Case the said person or persons shall Incurr, Forfeit and Suffer all & every the Disabilities, Pains, Penalties and Losses, herein before contained, as if such person or persons had never taken the said Oaths, or Repeated and Subscribed the said Declaration.

And be it further Enacted by the Authority aforesaid, That all and every the Offences against this Act, may be Inquired into, Heard and Determined before the Justices of the King's-Bench, or Justices of Assizes, or Goal-Delivery, or of Oyer and Terminer of such Counties where the Offenders did last Dwell or abide, or Whence he, she or they departed, or were sent out of the Kingdom, or Where he, she or they went, or shall be respectively Taken or Apprehended. Pro-

Provided always, That if any person shall upon his Tryal before the Justices of the Peace, at the General Quarter-Sessions, be acquitted by the said Court, of any offence against this Act, or upon his appeal to the Judges of Assize, in such manner as by this Act is directed, shall by the said Judges of Assize be acquitted; or in Case he shall upon his Tryal be acquitted by the Jury, upon any Indictment, Presentment or Information Prosecuted against him for any Offence contrary to this Act, such person so acquitted shall not be lyable after such acquittal to be Prosecuted upon this Act in any other manner for the same Offence.

And Whereas it is found by experience that Tollerating & Conniving at Papists keeping Schools or Instructing Youth in Litterature, is one great reason of many of the Natives of this Kingdom, continuing ignorant of the Principles of True Religion, and Strangers to the Scriptures, and of their neglecting to conform themselves to the Laws and Statutes of this Realm, and of their not using the English habit and Language, to the great prejudice of the Publick Weal thereof

Be it further Enacted by the Authority aforesaid That no person whatsoever of the Popish Religion, shall publickly Teach School, or Instruct Youth in Learning, or in private Houses, Teach or Instruct Youth in Learning within this Realm from henceforth, except only the Children or others under the Guardianship of the Master or Mistris of such private House or Family, upon pain of Twenty pounds and also of being Committed to Prison, Without Bail or Mainprize, for the space of three Months for every such Offence: And to the intent that no pretence may be made or used, that there are not sufficient numbers of Schools in this Realm to In-

struct and Inform the Youth thereof in the English Language, and other Litterature.

Be it further Enacted by the Authority aforesaid That one Act of Parliament made in the Twenty eighth Year of the Reign of the Late King Henry the Eight, Called, An Act for the English Order, Habit and Language, Whereby it is among other things Enacted and Provided, That every Incumbent of each Parish within this Kingdom, shall keep or cause to be kept within the Place, Territory or Parish where he shall have Preheminence, Rule, Benefice or Promotion a School to Learn English: And also one other Act made in the Twelfth Year of the Reign of the Late Queen Elizabeth, Intituled, An Act for the Erection of Free-Schools, Whereby it is Enacted and Provided, That a publick Latin Free-School shall be constantly maintained and kept within each Dioces of this Kingdom, which have generally been maintained and kept, but have not had the desired Effect by reason of such Irish Popish Schools, being too much Connived at, and all other Acts and Statutes now in Force in this Realm concerning Schools, shall from henceforth be strictly Observed and put in Execution according to the good Intent and Design of the same, and for the more Effectual doing thereof the Justices of His Majesty's Court of Kings-Bench each Term and the Judges of Assize in their Respective Circuits, and the Justices of Peace in their General Sessions of Peace, are Required to give this and the said former Acts in Charge from time to time, to the several Grand-Juries to be then Impannelled and Charged, and to be very Circumspect in seeing the same put in due Execution.

An

An Act for the better Securing the Government by Disarming Papists.

CHAP. V.

FOR Preserving the Publick Peace, and Quieting the Kingdom from all Dangers of Insurrection and Rebellion for the Future.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled; And by Authority of the same, That all Papist within this Kingdom of Ireland, shall before the First Day of March next Ensuing, Discover and Deliver up to some Justice or Justices of the Peace, or to the Mayor, Bayliff, or Head Officer of the County, City, Town Corporate, or place, Respectively, where such Papist shall Dwell and Reside all their Arms, Armour and Ammunition of what kind soever the same be, which are in his or their Hands or Possession, or in the Hands of any other person or persons in Trust for them, or at their Disposition, notwithstanding any Licence or Permission for Keeping the same heretofore granted. And that from and after the said First Day of March, One Thousand, Six Hundred, Ninety Five, it shall and may be Lawful for any two or more Justices of the Peace within the Limits of their Jurisdiction and Authority; And to all Mayors, Sheriffs, and Chief Officers of Cities and Towns Corporate in their Liberties by themselves, or by Warrant or Warrants under their Hands and Seals, Respectively, from time to time, to Search for, Seize, or Cause to be Searched for and Seized, and take into his or their Custody all such Arms, Armour and Ammunition as shall be

be concealed in any house, Lodging, or other places where they shall suspect any such Arms, Armour or Ammunition shall be concealed; And such Arms Armour and Ammunition so Taken or Seized, upon Search and otherwise, as aforesaid, shall by the person or persons so Receiving, Taking and Seizing the same, be preserved for the Use of His Majesty, His Heirs and Successors: And the said persons shall return a true and particular Account thereof to the Lord Deputy, or other Chief Governour or Governours of this Kingdom, for the time being, to the end the same may be brought into His Majesty's Stores of War, or be Disposed of as he or they shall think fit.

Provided Nevertheless, That no such Search or Searches shall be made in any such House, Houses, or Lodgings, save only between the Rising and Setting of the Sun, other then in Cities and their Suburbs, Towns Corporate, Market Towns, and Houses of such Cities and Towns, if it shall be so thought Necessary, and the Warrant or Warrants for that purpose do Direct and appoint: And in case such Justices of the Peace, Mayor, Soveraign, Bayliff, or other Chief Magistrate or Officer of any City or Town Corporate after such Search made, shall find cause to suspect that any Arms, Armour, or Ammunition remain concealed and not Seized, as aforesaid, they are hereby Respectively Impowred and Required to cause such person or persons whom he or they shall suspect to have concealed the same to be brought before him or them, and to be Examined upon his, her, or their Corporal Oath concerning the same.

And be it further Enacted by the Authority aforesaid, That every such Papist who shall have or keep any such Arms, Armour or Ammunition, who shall not discover and deliver up the same by the time

time aforesaid: And every other person or persons who wittingly or willingly shall have any such Arms, Armour or Ammunition to the use of, or in Trust for any such Papist, contrary to the true Meaning and Intent hereof. And also every such person or persons, who upon demand, or search made for such Arms, Armour or Ammunition as aforesaid, shall refuse to Declare and Manifest to the Justice or Justices of the Peace, Mayor, Bayliffs, Head Officers, or other persons Authorized and Impowred for Seizing and Searching for all such Arms, Armour and Ammunition in manner as aforesaid, what Arms, Armour and Ammunition they or any other to his knowledge, or with his privity have; Or shall Lett, Hinder or Disturb the Delivery thereof to any the said Justices of the Peace, or any other person or persons Authorized by Warrant as aforesaid, to Search for, Take and Seize the same, and every other person and persons who shall refuse to make Discovery upon his, her or their Oath to be Administred by such Justices of the Peace, Mayor, Bayliff, or other Chief Officer of any City or Town Corporate concerning the Premisses as aforesaid; or being Summoned by Warrant under the hands of two or more Justices of the Peace, Whereof Notice in Writing to be given to him or her, or left at his or her usual place of abode, shall without reasonable Cause refuse or neglect to appear before such Justices of the Peace, Mayors, Soveraigns, Bayliffs, or other Chief Magistrates, as aforesaid, to be Examined as aforesaid; every such person or persons so Offending contrary to this Statute in this behalf, shall Forfeit in manner following (that is to say) if such person or persons be a Peer or Peeres of this Realm, he, she, and they shall for the first Offence, forfeit the Summ of One Hundred pounds Sterling,

and if such person or persons shall Offend a second time, contrary to the true Intent and Meaning thereof, then such person or persons shall for the second Offence, Incurr the Penalty of a person Attainted in a Premunire; and being thereof Convicted, shall suffer Punishment accordingly. And if such person or persons Offending herein, contrary to the true Intent of this Act, shall be under the Degree of a Peer or Peeress, then he, she or they so Offending, shall for the first Offence, being thereof lawfully Convicted upon any Indictment or Information to be Exhibited at the Assizes or General Quarter-Sessions of the Peace, to be held for the County where such Offence shall be Committed, loose and forfeit the Summ of Thirty pounds; and shall suffer Imprisonment by Order of the Justices of Assize at the Assizes, or Justices of the Peace in their General Quarter-Sessions of the Peace, without Bail or Mainprize for one Year; and from thence forward untill he, she or they shall pay the penalty aforesaid. And if such person or persons shall Offend a second time, contrary to the true Intent and Meaning hereof, then such person or persons so Offending, shall for such second Offence, being Convicted of the first Offence, Incurr and suffer all the pain and penalties of persons attainted in a Premunire, the said Penalties and Summs of Money so to be Forfeit, as aforesaid, by such Peer or Peeress, to be Recovered by Action of Debt, Bill, Plaint or Information in any of his Majesty's Courts of Record; in which said Action of Debt, Bill, Plaint or Information, no Essoyn, Protection nor Wager of Law shall be allowed, nor more then one Imparlance granted; one Moyety thereof to be, and go to the use of His Majesty, His Heirs and Successors; and the other Moyety to such person or persons who shall Sue for the same. Provided

Provided always, that this Act, or any thing therein contained, shall not extend or be construed to extend to hinder or restrain any Nobleman or Gentleman from Keeping or Using a Sword, and a Case of Pistols, and a Gun for the Defence of his House, or for Fowling, so as such Nobleman or Gentleman before the said First Day of March, in the Year of Our Lord, One Thousand, Six Hundred, Ninety Five, shall make proof to the satisfaction of the Lord Deputy, or other Chief Governour or Governours and the Privy-Council of this Kingdom of Ireland, that he upon the Third Day of October, in the Year of Our Lord, One Thousand, Six Hundred, Ninety One, was an Inhabitant or Resident of Limerick, or some other Garrison then in the possession of the Irish, or was then some Officer or Soldier then in Arms under a Commission of the late King James, or those Authorized under him to grant the same in the Counties of Limerick, Clare, Kerry, Cork or Mayo, or under their Protection in the said Counties; or was then a Commissioned Officer in his Majesty's Quarters belonging to the Irish Regiments then in being which were Treated with, not being then a Prisoner of War, nor having before that time taken Protection; and that he has since Returned and Submitted to his Majesty's Obedience, and shall also prove, as aforesaid, that he was upon the said Third Day of October within this Kingdom, and so as such Nobleman or Gentleman hath not any time since the said Third Day of October, upon tender to him, Refused to take the Oath of Allegiance Required to be Taken by an Act of Parliament in England, made in the first Year of the Reign of his present Majesty, and of the late Queen Mary of Blessed Memory; and shall take the said Oath when he shall be thereunto Required, or shall prove,

as

as aforesaid, that he was upon the One and Twentieth Day of July, which was in the Year of Our Lord, One Thousand, Six Hundred, Ninety One, a Gentleman of Estate then belonging to the Town and Garrison of Galway, But that such Nobleman or Gentleman, Respectively, so making proof, and being qualified, as aforesaid, may Keep and Make use of a Sword, a Case of Pistols and a Gun for defence of his House, or for Fowling, in such manner as he might have done in Case this Act had never been Made, any thing herein Contained to the Contrary in any Wise notwithstanding.

Provided always, That an Entry shall be made of such proof, and that no Gratuity, Fee or Reward whatsoever shall be taken by any person other then the Summ of One Shilling for the making such proof, or for the Entry thereof. Provided always that no person shall be Convicted or Incurr any penalty upon this Act for any Offence Committed Contrary thereto upon any Confession or Discovery he or she shall make, being Examined upon Oath, unless such Offence shall be made out by other proof, any thing herein Contained to the Contrary notwithstanding.

Provided always that the Lord Deputy, or other Chief Governour or Governours, and Privy Council of this Realm, for the time being, may by Order of Privy Council, at any time after the said First Day of March One Thousand, Six Hundred, Ninety Five, Licence any person or persons as he and they shall think fit to keep such Arms as shall be particularly Expressed in such Licence, in as full and ample manner as such Chief Governour or Governours heretofore might have done before the Passing of this present Act, any thing herein Contained to the Contrary notwithstanding. Which Licence shall be Granted without any Gratuity,

Fee or Reward, other then the Summ of One shilling for the Writing thereof.

And be it further Enacted by the Authority aforesaid, That from and after the end of this present Sessions of Parliament, no person whatsoever now, or at any time whatsoever, Exercising or using the Mystery or Art of making any Locks or Barrels for Guns, Musquets, Pistols, or other Fire-Arms; or of making Swords, Bagonets, Skeins, Knives, or other Weapons, shall take to Prentice, or Use, Receive or Instruct as an Apprentice any person of the Popish Religion, on pain that every person so Offending, in Entertaining such Popish person to be an Apprentice, or Using, Receiving, or Instructing him as such, shall for every such Offence Forfeit the Summ of Twenty Pounds, to be Recovered by Bill, Plaint or Information in any of His Majesty's Courts of Record, Wherein no Essoyn, Protection or Wager of Law is to be allowed, nor more then one Imparlance granted; the one Moyety of all such Forfeitures to be to His Majesty, His Heirs and Successors, and the other Moyety to the Informer, or him or them that shall or will Sue for the same.

And moreover the Indenture of Apprenticeship, and all Bonds and Contracts to be made or Entred into by Reason or Occasion of any such Popish person being put to be an Apprentice, as aforesaid, shall be void, and are hereby declared to be void: And, every such person of the Popish Religion, who shall be hereafter put to be an Apprentice, Instructed contrary to the true meaning of this Act; and who shall Exercise the said Art or Mistery, shall for every such Offence in Using or Exercising the said Art or Mistery, or any part thereof, Forfeit the Summ

of Twenty pounds to be Sued for and Recovered as aforesaid, to the Uses before mentioned: And the Justices of the Peace, Mayors, Soveraigns, and other Head Officers of Cities, Burroughs and Towns Corporate respectively are hereby Authorized and Required to send for all Apprentices of such persons Exercising the Art and Mystery aforesaid, whom they shall suspect, and shall tender to them the Oaths and Declaration following, to be by them respectively Taken and Subscribed.

I A. B. do sincerely promise and swear that I will be Faithful, and bear true Allegiance to His Majesty King *WILLIAM*. So help me God.

I A. B do swear that I do from my heart abhor, detest, and abjure, as Impious and Heretical, that Damnable Doctrine and position that Princes Excommunicated or Deprived by the Pope, or any Authority of the See of *Rome*, may be deposed and murthered by their Subjects, or any other whatsoever. And I do declare that no Foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-heminence or Authority, Ecclesiastical or Spiritual within this Realm. So help me God.

I A. B. Do Solemnly and Sincerely in the presence of God, Profess, Testifie and Declare, that I do Believe that in the Sacrament of the Lords-Supper there is not any Transubstantiation of the Elements of Bread and Wine into the *Body* and *Blood* of Christ, at, or after the Consecration thereof by any Person whatsoever, and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now Used in the

the Church of *Rome*, are Superſtitious and Idolatrous. And I do Solemnly in the preſence of God, Profeſs, Teſtify and Declare, That I do make this Declaration, and every part thereof, in the plain and Ordinary Senſe of the words Read unto me, as they are Commonly underſtood by Proteſtants, without any Evaſion, Equivocation, or Mental Reſervation whatſoever, and without any Diſpenſation already granted me for this purpoſe, by the Pope, or any other Authority or Perſon whatſoever, or without any hope of any ſuch Diſpenſation from any Perſon or Authority whatſoever, or without believing that I am, or can be acquitted before God or Man, or Abſolved from this Declaration, or any part thereof, although the Pope, or any other Perſon or Perſons, or Power whatſoever ſhould Diſpence with, or Annul the ſame, or Declare that it was Null and Void from the beginning.

And the Refuſal of ſuch Perſon or Perſons to take the ſaid Oaths or Subſcribe the ſaid Declaration ſhall be, and are hereby declared to be a Conviction of ſuch Perſons ſo Refuſing the ſame, of his being Guilty, as alſo of the Maſter of ſuch Apprentice, unleſs ſuch Maſter ſhall prove that ſuch Apprentice ſhall at the time of Entring his Service was known or Reputed to be of the Proteſtant Religion.

And be it further Enacted, That no Papiſt ſhall at any time from and after the Twentieth Day of January, One Thouſand, Six Hundred, Ninety Five, be Capable to have or keep in his Poſſeſſion, or in the Poſſeſſion of any other Perſon to his Uſe, or at his Diſpoſition, any Horſe, Gelding or Mare, which ſhall be of the Value of Five Pounds or more; And that if any Perſon,

ſon, being of the Protestant Religion ſhall make Diſcovery upon Oath of any ſuch Horſe or Horſes to be in the Poſſeſſion of ſuch Papiſt, or of any Perſon in Truſt for him, to any two Juſtices of the Peace, or to the Mayor, or other Chief Magiſtrate of any City or Town Corporate, That ſuch Juſtice of the Peace, Mayor, or other Chief Magiſtrate within their Reſpective Precincts ſhall from time to time by Warrant under his and their Hands and Seals, Authorize ſuch perſon with the Aſſiſtance of the Conſtable or his Deputy, or ſuch other perſon as he or they ſhall think fit, who are hereby Required to be Aiding and Aſſiſting therein, in the Day time only, to ſearch for, and ſecure all and every ſuch Horſe and Horſes: And in Caſe of Oppoſition or Reſiſtance, to break open any Door, and bring ſuch Horſe or Horſes before him or them; And ſuch perſon being of the Proteſtant Religion, and making ſuch Diſcovery, paying or making Tender before ſuch Juſtices, Mayor, or other Chief Magiſtrate of any City or Town Corporate, of the Summ of Five Pounds Five Shillings to the Owner or Poſſeſſor of ſuch Horſe, or to ſuch Juſtice or Chief Magiſtrate in his or their Abſence; which the ſaid Juſtice or Chief Magiſtrate are hereby Authorized to Receive for the Uſe of ſuch Owner or Poſſeſſor; And that from and after ſuch payment, or Tender and Refuſal; The Property of ſuch Horſe or Horſes for which ſuch Summ or Summs ſhall be reſpectively Tendred or Paid, ſhall by Authority of this preſent Act, be Deemed and Adjudged to be Veſted in the perſon making ſuch Diſcovery and Tender, as if ſuch Horſe and Horſes had been bought and ſold in Market Overt; And the ſaid Juſtices of the Peace, Mayor, Bay-

liff,

liff, or other Head Officer is, and are hereby Authorized and Required by Warrant under his and their Hands and Seals, to cause such Horse and Horses to be Delivered accordingly.

And be it further Enacted, That if any person shall Conceal, or be Aiding or Assisting in the Concealing any such Horse or Horses belonging to any Papist or suspected Papist refusing to take the Oaths and Subscribe the Declaration aforesaid, such person or persons being thereof duely Convicted by the Oaths of two or more credible Witnesses before any Justice of the Peace of the County where such Horse or Horses shall be Concealed, shall be Committed to the common Goal, by Warrant from the said Justice, there to remain Without Bail or Mainprize by the space of three Monthes, and shall Forfeit and loose to His Majesty and His Successors, Treble the value of such Horse or Horses; Which value is to be Settled by the Justices of the Peace in their General Quarter-Sessions of the Peace in the respective Counties, Who are hereby Authorized to continue such person in Prison until due payment of such Summ of Money to the Use of His Majesty, His Heirs and Successors.

And it is hereby Declared, That every person shall be Deemed & Taken to be a Papist Within the meaning of this present Act, Who shall refuse to take the Oaths, and Subscribe the Declaration herein before-mentioned, When the same shall be Tendred to him by any Justice or Justices of the Peace; Which said Oaths and Declaration, the said Justices of the Peace and Chief Magistrates are hereby Authorized and Required to Administer, if any such person or persons shall deny him or themselves to be a Papist Within the meaning of this Act; and if any such person or persons shall take the said

Oaths and Subscribe the said Declaration, the said Justice and Justices of the Peace shall Certify under his hand, his or their taking the said Oaths and return the said Declaration to the next Quarter-Sessions to be held for the said County, there to be Recorded as in such Cases is Usual.

And be it further Enacted by the Authority aforesaid, That if any Justice or Justices of the Peace Mayors, Soveraigns, Bayliffs, or Chief Magistrates, or Officers of any County or Town Corporate, respectively, shall neglect or refuse to Execute any the Powers or Authorities which he or they is, or are respectively Required by this present Act to put in Execution, every such Justice of the Peace, Mayor, Soveraign, Bayliff, or Chief Magistrate or Officer, shall for every such Default or Offence Lose and Forfeit the Summ of Fifty pounds, to be recovered in any of His Majesty's Courts of Record by Bill, Plaint or Information, wherein no Essoyn, Protection, or Wager of Law shall be allowed, nor more then one Imparlance granted; The one Moyety of such Forfeiture to be to His Majesty, His Heirs and Successors, and the other Moyety to such person as shall, or will Sue for the same: And the said Offenders shall be moreover, and are hereby Disabled and made Incapable from, and after his being Convicted, to Act as Justice of the Peace, Mayor, Soveraign, Bayliff, or Chief Magistrate, or Officer in any County, City, or Town Corporate in this Kingdom.

An

An Act for the better Settling of Inteſtates Eſtates.

CHAP. VI.

BE it Enacted by the King's Moſt Excellent Majeſty, With the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That all Ordinaries, as well the Judge or Judges of the Prerogative Court of the Arch-Biſhop of Ardmagh for the time being, as all other Ordinaries, and Eccleſiaſtical Judges, and every of them having power to Commit Adminiſtration of the Goods, Chattles and Credits of Perſons Dying Inteſtate, ſhall and may upon their Reſpective Granting and Committing of Adminiſtrations of the Goods, Chattles and Credits of Perſons Dying Inteſtate, after the Feaſt of the Purification of the Bleſſed Virgin MARY, in this preſent Year of Our Lord, One Thouſand Six Hundred Ninety Five, take and Require of the Reſpective Perſon or Perſons, to whom any Adminiſtration is to be Committed, ſufficient Bonds with two or more able Sureties, reſpect being had to the value of the Eſtate in the Name of the Ordinary, with the Condition in Manner and Form following, Mutatis Mutandis, *vizt.*

THe Condition of this Obligation, is ſuch, That if the within bounden A B. Adminiſtrator of all and Singular the Goods, Chattles, and Credits of E. D. Deceaſed, do make or cauſe to be made a true and perfect Inventory of all and Singular

gular the Goods, and Chattles, and Credits of the ſaid C. D. Deceaſed, which have, or ſhall come to the Hands, Poſſeſſion or Knowledge of him the ſaid A. B. or into the Hands or Poſſeſſion of any other Perſon or Perſons for him, and the ſame ſo made do Exhibit, or cauſe to be Exhibited in the Regiſtry of at, or before the day of next Enſuing, and the ſame Goods, Chattles and Credits, and all other the Goods, Chattles and Credits of the ſaid Deceaſed, at the time of his Death, which at any time hereafter ſhall come to the Hands or Poſſeſſion of the ſaid A. B. or into the Hands or Poſſeſſion of any other perſon or perſons for him, do well and truly Adminiſter, according to Law; And further do make, or Cauſe to be made a true and juſt Account of his ſaid Adminiſtration, at, or before the day of and all the reſt and reſidue of the ſaid Goods Chattles and Credits which ſhall be found remaining, upon the ſaid Adminiſtrators Account, the ſame being firſt Examined and Allowed of, by the Judge or Judges for the time being of the ſaid Court; ſhall deliver and pay unto ſuch perſon or perſons reſpectively, as the ſaid Judge or Judges, by his or their Decree or Sentence, purſuant to the true intent and meaning of this Act ſhall Limit and Appoint; And if it ſhall hereafter appear, that any Laſt Will or Teſtament was made by the ſaid Deceaſed, and the Executor or Executors therein named do *Exhibit* the ſame into the ſaid Court, making Requeſt to have it Allowed and Approved accordingly, if the ſaid A. B. within bounden being thereunto Required, do Render and Deliver the ſaid Letters of Adminiſtration, Approbation of ſuch Teſtament being firſt had and made in the ſaid Court,

Court, Then this Obligation to be Void and of none Effect, or elſe to remain in full Force and Vertue.

Which Bonds are hereby Declared and Enacted to be good in Law, to all intents and purpoſes, and Pleadable in any Courts of Juſtice; And alſo, that the ſaid Ordinaries and Judges reſpectively, ſhall and may, and are Enabled to proceed againſt, and call ſuch Adminiſtrators to Account, for, and touching the Goods of any Perſon Dying Inteſtate, and upon Hearing and due Conſideration thereof, to Order and make Juſt and Equal Diſtribution of what Remaineth clear, after all Debts, Funeral Charges, and Juſt Expences of every ſort firſt Allowed and Deducted amongſt the Wife and Children, or Childrens Children, if any ſuch be, otherwiſe to the next of Kindred to the Dead Perſon, in Equal Degree or Legally Repreſenting their Stocks pro ſuo cuiq; Jure, according to the Law in ſuch Caſes, and the Rules and Limitations hereafter ſet down, and the ſame Diſtribution to Decree and Settle, and to Compel ſuch Adminiſtrators to obſerve and pay the ſame by due Courſe of His Majeſty's Eccleſiaſtical Laws: Saving to every One, ſuppoſing him or themſelves agrieved their Right of Appeal, as was always in ſuch Caſes uſed.

Provided always, and be it Enacted by the Authority aforeſaid, That all Ordinaries, and every other Perſon, who by this Act is Enabled to make Diſtribution of the Surpluſage of the Eſtate of any Perſon Dying Inteſtate, ſhall Diſtribute the whole Surpluſage of ſuch Eſtate or Eſtates in Manner and Form following (That is to ſay) One Third part of the ſaid

Surplusage to the Wife of the Intestate, and all the Residue by Equal Portions to, and amongst the Children of such Persons Dying Intestate, and such Persons as Legally Represent such Children, in Case any of the said Children be then Dead, other then such Child or Children (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be Advanced by the Intestate in his life time by Portion or Portions equal to the share which shall by such Distribution be Allotted to the other Children to whom such Distribution is to be made; And in Case any Child (other then the Heir at Law) who shall have any Estate by Settlement from the said Intestate, or shall be Advanced by the said Intestate in his Life time by Portion not equal to the share which shall be due to the other Children by such Distribution, as aforesaid, Then so much of the Surplusage of the Estate of such Intestate, to be Distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or Were Advanced in the Life time of the Intestate, as shall make the Estate of all the said Children to be equal as near as can be Estimated (but the Heir at Law) Notwithstanding any Land which he shall have by Descent or otherwise from the Intestate, is to have an Equal part in the Distribution with the Rest of the Children, Without any Consideration of the Value of Lands which he hath by Descent, or otherwise, from the Intestate. And in case there be no Children, nor any Legal Representatives of them, then One Moyety of the said Estate to be Allotted to the Wife of the said Intestate; the Residue of the said Estate to be Distributed Equally to every

of

of the next of Kindred of the Intestate, who were in Equal Degree, and those who Legally Represent them.

Provided that there be no Representations admitted amongst Collaterals after Brothers and Sisters Children: And in case there be no Wife, Then all the Estate to be Distributed Equally to and amongst the Children: And in case there be no Child, then to the next of Kindred in Equal Degree of or unto the Intestate, and their Legal Representatives, as aforesaid, and in no other manner Whatsoever.

Provided also, and be it likewise Enacted by the Authority aforesaid, to the End that a due Regard be had to Creditors, that no such Distribution of the Goods of any Person Dying Intestate be made till after One Year be fully Expired after the Intestates Death: And that such and every Person to whom any Distribution or Share shall be Allotted shall give Bonds with sufficient Sureties in the said Courts: Which said Bonds shall be likewise Good in Law, and Pleadable in any Courts of Justice, That if any Debt or Debts truly Owing by the Intestate, shall be afterwards Sued for and Recovered, or otherwise duly made to Appear, that then and in every such Case he or she shall Respectively Refund and pay back to the Administrator his or her Ratable part of such Debt or Debts, and of the Costs of Sute and Charges of the Administrator, by reason of such Debt out of the part and Share so as aforesaid Allotted to him or her, thereby to Enable the said Administrator to pay and satisfy the said Debt or Debts so discovered, after the Distribution made, as aforesaid.

Provided allways, and be it further Enacted, by the Authority aforesaid, That in all Cases where

where the Ordinary hath used heretofore to Grant Administration Cum Testamento annexo, he shall continue so to do, and the Will of the Deceased in such Testament Expressed shall be performed and observed in such manner as it should have bēn if this Act had never bēn made.

Provided always, That neither this Act nor any thing therein contained, shall be construed to extend to the Estates of Fems Covert that shall dye Intestate, but that their Husbands may demand and have Administration of their Rights, Credits and other Personal Estates, and Recover and Enjoy the same, as they might have done before the making of this Act.

Provided also, and it is hereby further Enacted, That no Administrator shall from henceforth be Cited into any of the Courts in this Act mentioned, to render an Account of the personal Estates of his Intestate, otherwise then by an Inventory or Inventories thereof, unless it bs at the Instance or Prosecution of some person or persons in behalf of a Minor, or having a Demand out of such Estate as a Creditor, or next of Kin, and shall not be compellable to Account before any the Ordinaries or Judges by this Act impower and appointed to take the same otherwise then as is aforesaid.

And be it further Enacted by the Authority aforesaid, That if after the Death of a Father, any of his Children shall dye Intestate without Wife or Children in the life time of the Mother, every Brother and Sister, and the Representatives of them, shall have an equal share with her, any Law, Usuage or Custom to the contrary notwithstanding.

And whereas it hath bēn heretofore used, That in case any Executor or Administrator, to any person Deceased, did obtain any Judgment or Judg-

ments

ments in Law, in any of His Majesty's Courts of Record, within this Kingdom of *Ireland*, in his or their own Name or Names, for any Debt due unto his or their Testator or Intestate, and did happen to Dye before any Execution Sued forth by him or them, upon such Judgment or Judgments the effect or benefit of such Judgment or Judgments, was Wholly lost, and such person or persons to whom Letters of Administration of the Goods Unadministred to such first Testator or Intestate were Committed, could not by the Rules of Law, have any Benefit or Advantage of such Judgment or Judgments by *Scire Facias*, or otherwise, but were forced for the Recovering of such Debt or Duty, to Sue forth a New Original to their great Expence and Delay: For Remedy Whereof.

Be it Enacted by the Authority aforesaid, That from henceforth in all such Cases it shall and may be Lawful for any Administrator or Administrators of the Goods Unadministred of such first Testator or Intestate to Sue forth any Writ or Writs of *Scir. Fac.* upon any such Judgment or Judgments so had and obtained in the Name or Names of such Executor or Administrator, and have the Benefit and Advantage of such Judgment or Judgments as fully to all Intents and Purposes as such Executor or Administrator himself might have had if he or they had been Living and sued forth such Writ or Writs upon any such Judgment; Any Law, Custom, or Usage of the Contrary hereof in any wise Notwithstanding.

And Whereas it has been held, that there is a certain Custom Within this Kingdom of *Ireland*, to the effect following, that is to say, That if any Person Dye possessed of, or Intituled to any

Goods, Things in Action, or Perſonal Eſtate whatſoever; And having at the time of his Death, a Wife, or Child, or Children, That in ſuch caſe all the ſaid Eſtate is to be divided unto Three equal parts, whereof one third part belongs to the Wife, another to the Child or Children, and the other third part only to be ſubject to the diſpoſition of the Party Deceaſed, by his Laſt Will or Teſtament, in caſe he make any, or to go in a courſe of Adminiſtration in caſe he Dye Inteſtate, and if he leave a Wife only, and no Child or Children, then the ſaid Eſtate to be divided into Two parts, whereof the One Moyety to go to the Wife, and the other Moyety only to be ſubject to his diſpoſition by Will, as aforeſaid; otherwiſe to go in a courſe of Adminiſtration, in caſe he Dye Inteſtate: And ſo in like manner if he ſhall leave a Child, or Children and no Wife.

Now it is hereby Declared, That the ſaid Cuſtom ſhall from henceforth be Abſolutely Null and Void to all Intents and Purpoſes whatſoever; and ſhall not be taken to be in force, or to be binding to any Perſon or Perſons whatſoever.

And Whereas the Executors and Adminiſtrators of ſuch Perſons who have poſſeſſed themſelves of Conſiderable Perſonal Eſtates of other Dead Perſons, and Converted the ſame to their own uſe have no Remedy by the Rules of the Common Law as it now ſtands, to pay the Debts of thoſe Perſons whoſe Eſtate hath bẽn ſo Converted by their Teſtator or Inteſtate, Which hath bẽn found very Miſchievous, and many Creditors defeated of their juſt Debts, although their Debtors left behind them ſufficient to ſatisfie the ſame with a great Overplus. For Remedy Whereof,

Be it further Enacted by the Authority aforeſaid, That

That all and every the Executors and Administrators of any Person or Persons who as Executor or Executors in his or their own Wrong, or as Administrator shall from and after the Fifth day of November, in this present Year of Our Lord One Thousand Six Hundred Ninety and Five, wast or Convert any Goods, Chattles, Estate or Assetts of any Person Deceased to their own use shall be lyable and Chargable to make good the same out of the Assetts of such Testator or Intestate.

An Act for Reviving Two Statutes lately Expired, and making them Perpetual; And for Avoiding Unnecessary Sutes and Delays.

CHAP. VII.

WHEREAS in a Parliament held in the Seaventeenth and Eighteenth Years of the Reign of King Charles the second, the several Statutes hereafter mentioned were Enacted (*vizt.*) One Act, Intituled, An Act to prevent Delays in Extending Statutes, Judgments and Recognizances. And one other Act, Intituled, An Act to prevent Arrests of Judgments, and Superseding Executions: Both which Acts are now Expired; but by Experience have been found to be good and profitable Laws for this Kingdom, and fit to be Revived and made Perpetual.

Be it therefore Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons of this present Parliament Assembled, and by the Authority of the same, That the said several Statutes, and every of them, and all and every the Branches and Clauses in them, and every of them Contained, are hereby Revived, and

and ſhall from henceforth be, Remain and Continue in Force and in Effect for Ever.

And be it further Enacted by the Authority aforeſaid, That in all Actions Real and Perſonal, or mixt, the Death of either Party betwæn the Verdict and the Judgment ſhall not be hereafter alledged for Error, ſo as Judgment be Entred Within two Terms after ſuch Verdict.

An Act for Redreſs of Inconveniencies for want of Proof of the Deceaſes of Perſons beyond the Seas, or Abſenting themſelves, upon whoſe Lives Eſtates do Depend.

CHAP. VIII.

WHEREAS Divers Lords of Manours and others, have uſed to Grant Eſtates by Leaſe for one or more Life or Lives, or elſe for Years Determinable upon one or more Life or Lives; And it hath often happened that ſuch Perſon or Perſons for Whoſe Life or Lives ſuch Eſtates have bæn Granted have gone beyond the Seas, and abſented themſelves for many Years, that the Leſſors and Revertioners cannot find out Whether ſuch Perſon or Perſons be Alive or Dead, by reaſon Whereof ſuch Leſſors and Revertioners have bæn held out of Poſſeſſion of their Tenements for many years after all the Lives upon Which ſuch Eſtates depend are dead, in regard that the Leſſors and Revertioners When they have brought Actions for the Recovery of their Tenements, have bæn put upon it to prove the Death of their Tenants When it is almoſt Impoſſible for them to diſcover the ſame. For Remedy of Which Miſchief ſo frequently happening to ſuch Leſſors or Revertioners.

Be

Be it Enacted by the King's Most Excellent Majesty, by and With the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That if such Person or Persons for Whose Life or Lives such Estates have been or shall be granted, as aforesaid, shall Remain beyond the Seas, or else were absent themselves in this Realm by the space of Seaven Years together, and no sufficient and Evident proof be made of the Lives of such Person or Persons respectively, in any Action Commenced for the recovery of such Tenements by the Lessors or Revertioners, their Heirs or Assigns: The Judges before Whom such Action shall be brought shall direct the Jury to give their Verdict as if the person so remaining beyond the Seas, or otherwise, absenting himself were Dead.

And be it further Enacted, That in any such Action wherein the Life or Death of any such Person or Persons shall come in question betwæn the Lessor or Revertioner, and the Tennant in possession; it shall and may be Lawful for the Lessor or Revertioner to take Exception to any of the Jurors returned for the Tryal of that Cause, that the greatest part of the Real Estate of any such Juror is held by Lease for Life or Lives, Who upon proof thereof shall be set aside as in case of other Legal Challenges.

Provided always, and be it Enacted, That if any Person or Persons shall be Evicted out of any Lands or Tenements by Vertue of this Act, and afterwards if such person or persons upon Whose Life or Lives such Estate or Estates depend, shall return again from beyond the Seas, or shall on proof in any Action to be

brought for recovery of the same, be made appear to be Living, or to have been Living at the time of the Eviction, that then, and from thenceforth the Tenant or Lessee who was outed of the same, his or their Executors, Administrators or Assigns, shall or may Re-enter, Re-possess, Have, Hold, and Enjoy the said Lands or Tenements as in his or their former Estate, for, and during the Life or Lives, or so long Term as the said person or persons, upon Whose Life or Lives the said Estate or Estates depend shall be Living, and shall also upon Action or Actions to be brought by him or them against the Lessors, Revertioners or Tenants in possession, or other persons respectively, which since the time of the said Eviction received the Profits of the said Lands or Tenements, recover for Damages the full Profits of the said Lands or Tenements respectively, With Lawful Interest, for and from the time that he or they were outed of the said Lands or Tenements, and kept and held out of the same by the said Lessors, Revertioners, Tenants, or other Persons, Who after the said Eviction Received the Profits of the said Lands or Tenements, or any of them Respectively, as well in the Case where the said Person or Persons, upon Whose Life or Lives such Estate or Estates did depend, are, or shall be Dead at the time of bringing the said Action or Actions as if the said Person or Persons were then Living.

An

An Act for the more Effectual Suppreſſing of Prophane Curſing and Swearing.

CHAP. IX.

WHereas it is found by Experience, that an Act of Parliament made in the Tenth and Eleventh Years of the Reign of King CHARLES the Firſt Intituled, An Act to Prevent and Reform prophane Swearing and Curſing, hath proved Ineffectual to the Suppreſſing of thoſe Deteſtable Sins, by Reaſon of ſome Deficiency in the ſaid Act.

Be it therefore Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That if any perſon or perſons ſhall after the Fifth Day of November, in this preſent Year of Our Lord, One Thouſand Six Hundred Ninety and Five, Prophanely Swear and Curſe, in the preſence or hearing of any Juſtice of Peace of the County, Diviſion, or of the Mayor, or other Head Officer or Juſtice of Peace, for any City, or Town Corporate, where ſuch Offence is or ſhall be Committed, or that ſhall be thereof Convicted by the Oath of one Witneſs, or by the Confeſſion of the Party Offending, before any Juſtice of the Peace of the County, or Mayor, or Bayliff, or other Chief Officer, or Juſtice of the Peace of ſuch City, or Town Corporate, where the ſaid Offence ſhall

be Committed, That then for every such Offence, the party so Offending, shall Forfeit and Pay to the Use of the Poor of the Parish where such Offence or Offences shall be Committed the Respective Summs herein-after mentioned, that is to say, Every Servant, Day-Labourer, Common-Soldier, and Common-Seaman One Shilling, and every other Person Two Shillings: And in Case any of the Persons aforesaid, shall after Conviction, Offend a second time such Persons shall Forfeit and Pay double; and if a third time, Treble the Summ respectively by him or her to be paid for the first Offence.

And it is hereby further Enacted, That upon Neglect or Refusal of Payment of the said Forfeiture, any Justice of Peace of the County, or Mayor, or other Head Officer, or Justice of Peace of any City, or Town Corporate where the said Offence shall be Committed, shall, and are hereby Authorized and Required to Direct and send his Warrant to the Constable, Tything-Man, Church-Warden, or Over-seer of the Poor of the Parish where the Offence shall be committed, or where the Offender shall Inhabit, thereby Commanding them, or some one or more of them, to Levy by Distress, and Sale of the Goods of the Offender, the Summ so Forfeited for the use of the Poor of the Parish, as aforesaid: And in case no such Distress can be had, then every such Offender being above the Age of Sixteen Years, shall by Warrant under the Hand and Seal of the said Justice of Peace, or other Officer, as aforesaid, be Publickly Set in the Stocks, for the space of One Hour for every single Offence, and for any Number of Offences whereof he shall be Convicted

victed at one and the same time, then Two Hours; And if the Party Offending be under the Age of Sixteen Years, and shall not forthwith pay the said Forfeitures, then he or she shall by Warrant, as aforesaid, be Whipt by the Constable, or by the Parent, Guardian or Master of such Offender, in the presence of the Constable.

And be it further Enacted, That if any Justice of the Peace or Chief Magistrate shall willfully and willingly omit the performance of his Duty in the Execution of this Act, he shall Forfeit the Summ of Five Pounds; the one Moyety to the use of the Informer, to be Recovered by Action, Suit, Bill or Plaint, in any of His Majesty's Courts, wherein no Essoyn, Protection or Wager of Law shall be allowed, nor any more then one Imparlance granted.

And it is hereby further Enacted, That if any Action or Suit shall be Commenced, or brought against any Justice of Peace, Constable, or other Officer or Person whatsoever, for Doing, or Causing to be Done any thing in pursuance of this Act concerning the said Offences, the Defendant in such Action may plead the General Issue, and give the Special Matter in Evidence; And if upon such Action Verdict be given for the Defendant, or the Plantiff become Non-Suit, or Discontinue his Action, then the Defendant shall have treble Costs.

Provided always, And it is hereby Enacted That no Person shall be Prosecuted or Troubled for any Offence against this Statute unless the same be proved or prosecuted within Ten Days next after the Offence committed.

And it is further Enacted by the Authority aforesaid, That this Act shall be Publickly Read Four Times in the Year in all Parish Churches

and all Publick Chappels, by the Parson, Vicar or Curate of the Respective Parishes or Chappels immediately after Morning Prayers on four several Sundays, that is to say, The Sunday next after the Fifth Day of November, in this present Year of Our Lord One Thousand Six Hundred Ninety Five; The Fifth Day of February following; The Fifth Day of May, which will be in the Year of Our Lord, One Thousand Six Hundred Ninety Six; And the Fifth Day of August following, under the pain of Twenty shillings for every such Omission or Neglect.

And be it further Enacted by Authority aforesaid, That the Justices of Peace, Mayor, or other Head-Officer shall Register in a Book to be kept for that purpose all the Convictions made before him upon this Act, and the time or Making thereof, and for what Offence; And shall Certifie the same to the next General-Quarter-Sessions of the Peace for the said County, or place where the Offences are Committed, to be there kept upon Record by the Respective Clerks of the Peace, to be seen without Fee or Rewards.

An Act to take away Damage Clear.

CHAP. X.

WHEREAS the Moneys which are taken by Prothonotaries of Your Majesty's Courts of Kings-Bench and Common-Pleas, and by the Clerk of Your Majesty's Court of Exchequer at *Dublin*, and the Clerks & Prothonotaries in any other Court within this Realm, in the Name of Damna Clericorum or Damage Clear, are an unnecessary Charge and Burthen to all Your Majesty's Subjects, who have good Cause and put to Sue for Damage in Actions where Damages are Recoverable: For avoiding of which Inconveniency for the future, and that Your Majesty's Subjects may have an easier means for the Recovery of their Damages & Just Rights which are unjustly detained from them; May it please Your Most Excellent Majesty that it may be Enacted; and His Most Excellent Majesty being willing upon all Occasions to Ease His Subjects of all unnecessary Charges and Burthens, is Graciously Pleased that it be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by, and With the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That no Damage Clear shall by any Title or Pretence whatsoever be Due, Payable, Taken or Received from any Person or Persons in any Action whatsoever Sued or Prosecuted in any of His Majesty's Courts

at

at Dublin, or elſe where within the Kingdom of Ireland, by any Prothonotary, Clerk or Clerks, or other Officer or Officers of the ſaid Courts reſpectively, and thatthe ſaid Fee of Damna Clericor. or Damage Clear, ſhall wholly ceaſe and be for ever Aboliſhed in the ſaid Courts; and that if any Prothonotary Clerk or Clerks, or other Officer in any of the ſaid Courts ſhall take or Exact any Summ or Summs of Money in the name of Damna Clericor. or Damage Clear, or any thing in Lieu thereof; or if any of the ſaid Prothonotaries, Clerk or Clerks, or their Deputies, ſhall Exact or take any Damage Clear, or Summ of Money, Bond or Security in lieu thereof, from any Plantiff or Plantiffs, Demandant or Demandants, in any Action where Damages have been, or hereafter ſhall be recovered in any of the ſaid Courts, or ſhall refuſe or delay to Sign any Judgment until Damage Clear be firſt paid by the Plantiff or Demandant, he or they ſo Offending ſhall Forfeit Treble the Summ ſo Taken, Exacted or Demandant to the Party or Parties grived, to be recovered by Bill, Plaint or Information in any of the ſaid Courts, Wherein no Eſſoyn, Protection or Wager of Law ſhall be Allowed.

An Act to take away the Benefit of Clergy from him that doth Stabb another, not having a Weapon Drawn.

CHAP. XI.

TO the End that Stabbing and Killing Men on the ſudden, Done and Committed by many Inhumane and Wicked Perſons in the time of their Rage, Drunkenneſs, hidden Diſpleaſure, or other Paſſion of Mind, Contrary to the Commandment of Almighty God, and the Common Peace and Tranquility of this Realm, may from henceforth be Reſtrained for fear of due Puniſhment

to

to be Inflicted on ſuch Cruel and Bloody Male-factors, Who heretofore have been thereunto Emboldened by preſuming on the Benefit of the Clergy.

Be it therefore Enacted by the King's Moſt Excellent Majeſty, by, and With the Advice and Conſent of the Lords Spiritual and Temporal and the Commons of this preſent Parliament Aſſembled, and by the Authority of the ſame, That every perſon and perſons Who after the End of this preſent Parliament ſhall ſtabb or thruſt any perſon or perſons that hath not then any Weapon Drawn, or that hath not then firſt ſtriken the Party which ſhall ſo Stabb or Thruſt ſo as the Perſon or Perſons ſo Stabbed or Thruſt ſhall thereof Die Within the ſpace of Six Months then next following, although it cannot be proved that the ſame was Done of Malice Fore-thought, yet the Party ſo Offending, and being thereof Convicted Verdict of by Twelve Men, Confeſſion, or otherwiſe according to the Laws of this Realm, ſhall be Excluded from the Benefit of his or their Clergy, and ſuffer Death as in Caſe of Felony, Without Benefit of Clergy.

Provided always, that this Act, or any thing therein Contained, ſhall not Extend to any Perſon or Perſons Which ſhall Kill any Perſon Se Defendendo, or by Misfortune, or in any other manner then as aforeſaid, nor ſhall Extend to any Perſon or Perſons Who in keeping and preſerving the Peace, ſhall Chance to Commit Manſlaughter, ſo as the ſaid Manſlaughter be not Committed Wittingly, Willingly, and of purpoſe, under pretext and Colour of Keeping the Peace; nor ſhall Extend to any perſon or perſons, Which in Chaſtizeing or Correcting his Child or Servant, ſhall beſides his or their Intent and Purpoſe Chance to Commit Manſlaughter.

An Act for prevention of Frauds and Perjuries.

CHAP. XII

FOR Prevention of many Fraudulent Practices which are Commonly Endeavoured to be upheld by Perjury and Subornation of Perjury.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Feast Day of the Nativity of St. John Baptist, which shall be in the Year of Our Lord, One thousand, six hundred, ninety six, all Leases, Estates, Interests, Freeholds or Terms of Years, or any uncertain Interest of, into, or out of any Messuages, Manours, Lands, Tenements or Hereditaments made and Created by Livery of Seizen only, or by Paroll, and not put in Writing, and Signed by the parties so making and Creating the same, or their Agents thereunto Lawfully Authorized, by Writing, shall have the Force and Effect of Leases and Estates at Will only; And shall not either in Law or Equity be Deemed or taken to have any other or greater Force and Effect any Consideration for making such Paroll, Leases or Estates, or any former Law or Usage to the Contrary Notwithstanding: Except Nevertheless all Leases not Exceeding the Term of three Years from the making thereof, whereupon the Rent Reserved to the Landlord, during such Term, shall amount unto two third parts, at the least, of the full Improved value of the thing Demised.

And moreover that no Estates, Leases or Interests either of Freehold or Term of Years, or any uncertain Interest not being Copy-hold or Customary Interest, of, into or out of any Messuages, Lands, Tenements, or Hereditaments, shall at any time after

after the ſaid Feaſt day of the Nativity of Saint John the Baptiſt, which ſhall be in the ſaid Year of Our Lord God, One thouſand, ſix hundred, ninety and ſix, be Aſſigned, Granted, or Surrendered, unleſs it be by Deed, or Note in Writing, Signed by the parties ſo Aſſigning, Granting, or Surrendring the ſame, or their Agents thereunto Lawfully Authorized by Writing, or by Act and operation of Law.

And be it further Enacted, by the Authority aforeſaid, That from and after the ſaid Feaſt day of the Nativity of St. John the Baptiſt which ſhall be in the ſaid Year of Our Lord, One thouſand, ſix hundred and ninety ſix, no Action ſhall be brought whereby to Charge any Executor or Adminiſtrator upon any Special Promiſe, to anſwer Damages out of his own Eſtate, or whereby to charge the Defendant upon any Special Promiſe to anſwer for the Debt, Default, or Miſcarriage of another perſon, or to charge any perſon upon any agreement made upon Conſideration of Marriage, or upon any Contract or Sale of Lands, Tenements, or Hereditaments or any Intereſt in, or concerning them, or upon any Agreement that is not to be performed within the ſpace of one Year from the making thereof, unleſs the Agreement upon which ſuch Action ſhall be brought, or ſome Memorandum, or Note thereof ſhall be in Writing, and Signed by the party to be charged therewith, or ſome other perſon thereunto by him Lawfully Authorized.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid Feaſt day of the Nativity of St. John the Baptiſt, Which ſhall be in the ſaid Year of Our Lord, One thouſand ſix hundred, ninety & ſix, all Deviſes and Bequeſts of any Lands, Tenements, or Hereditaments, Deviſable, either by force of the Statute of Wills, or by this Statute or by force of the Cuſtom of any Burrough, or any

other

other particular Custom, shall be in Writing, and Signed by the party so Devising the same, or by some other person in his presence, and by his express Directions, and shall be Attested and Subscribed in the presence of the said Devisor, by three or more Credible Witnesses or else they shall be utterly void and of none Effect.

And moreover no Devise in Writing of any Lands Tenements or Hereditaments, that at any time after the said Feast day of the the Nativity of St. John the Baptist, which shall be in the said Year of Our Lord God, One thousand, Six hundred Ninety and six be Revocable, otherwise then by some other Will or Codicil in Writing, or other Writing Declaring the same, or by Burning, Cancelling, Tearing or Obliterating the same by the Testator himself, or in his presence, and by his Directions and Consent; but all Devises and Bequests of Lands and Tenements shall Remain and Continue in Force until the same be Burnt, Cancelled, Torn or Obliterated by the Testator, or his Directions in manner aforesaid; or unless the same be Altered by some other Will or Codicil in Writing, or other Writing of the Devisors, Signed in the presence of three or more Witnesses Declaring the same, any former Law or Usage to the Contrary Notwithstanding.

And be it further Enacted by the Authority aforesaid, that from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of Our Lord God, One thousand Six hundred Ninety and six, all Declarations, or Creations of any Trusts, or Confidences of any Lands, Tenements, or Hereditaments, shall be Manifested and Proved by some Writing Signed by the Party, who is by Law Enabled to Declare such Trust, or by his Last Will in Writing, or else they shall be utterly Void and of none Effect.

Provided

Provided always, that Where any Conveyance shall be made of any Lands or Tenements by which a Trust or Confidence shall or may arise, by Implication or Construction of Law, or to be Transferred or Extinguished by Act or Operation of Law, then, and in ever such Case, such Trust or Confidence shall be of the like Force and Effect, as the same would have been, if this Statute had not been made any thing herein before contained to the contrary notwithstanding.

And be it further Enacted, That all Grants and Assignments of any Trust or Confidence, shall likewise be in Writing, Signed by the Party Granting or Assigning the same, or by such Last Will, and Devise, or else shall likewise be utterly Void and of none Effect.

And be it further Enacted by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the Year of Our Lord God, One thousand Six hundred and Ninety six, it shall and may be Lawful for every Sheriff, or other Officer, to whom any Precept or Writ is, or shall be Directed at the Sute of any Person or Persons of, for and upon any Judgment, Statute or Recognizance hereafter to be made or had, to do, make and deliver Execution unto the Party in that behalf Sueing of all such Lands Tenements, Rectories, Tyths, Rents and Hereditaments, as any other Person or Persons be in any manner of Wise Seized or Possessed in Trust for him against whom Execution is so Sued, like as the Sheriff or other Officer might or ought to have Done if the said Party against whom Execution hereafter shall be so Sued, had been Seized of such Lands, Tenements, Rectories, Tyths, Rents, or other Hereditaments of such Estate as they be Seized of in Trust for him at the time of the said Execution

Sued; which Lands, Tenements, Rectories, Tyths, Rents or other Hereditaments, by Force and Vertue of such Executions shall accordingly be Held and Enjoyed, Freed and Discharged from all Incumbrances of such Person or Persons as shall be so Seized or Possessed in Trust for the person against whom such Execution shall be Sued: And if any Cestique Trust hereafter shall Dye, leaving a Trust in Fee Simple, to Descend to his Heirs; there and in every such Case, such Trust shall be Deemed and Taken, and is hereby Declared to be Assetts by Descent, and the Heir shall be lyable to, and Chargeable with the Obligation of his Ancestor, for, or by Reason of such Assetts as fully and amply as he might and ought to have been, if the Estate in Law had Descended to him in Possession in like Manner as the Trust Descended, any Law, Custom or Usage to the contrary in any wise notwithstanding.

Provided always, That no Heir who shall become Chargeable by reason of any Estate or Trust made Assetts in his Hands by this Law, shall by reason of any kind of Plea, or Confession of the Action, or suffering Judgment by Nient de dire, or any other matter be chargeable to pay the Condemnation out of his own Estate, but Execution shall be Sued of the whole Estate so made Assetts in his hands, by Descent, in whose hands soever it shall come after the Writ purchased in the same manner as it is to be at, and by the Common Law where the Heir at Law Pleading a true Plea, Judgment is prayed against him thereupon, any thing in this present Act contained to the contrary notwithstanding. And for the Amendment of the Law in the particulars following.

Be it further Enacted by the Authority aforesaid, That from henceforth any Estate Pur auter vie, shall be Devisable by a Will in Writing, Signed by the party

party ſo Deviſing the ſame, or by ſome other perſon in his preſence, and by his expreſs Direction Atteſted and Subſcribed in the preſence of the Deviſor, by three or more Witneſſes; And if no ſuch Deviſe thereof be made, the ſame ſhall be Chargeable in the hands of the Heir, if it ſhall come to him, by reaſon of a ſpecial Occupancy, as Aſſetts by Deſcent, as in Caſe of Lands in Feé Simple, and in Caſe there be no ſpecial Occupant thereof, it ſhall go to the Executors, or Adminiſtrators of the party that had the Eſtate, thereof by Vertue of the Grant, and ſhall be Aſſetts in their hands.

And Whereas it hath been found Miſchievous, That Judgments in the King's Courts at Dublin, do many times relate to the Firſt day of the Term, Whereof they are Entred, or to the day of the Return of the Original, or Fileing the Bail, and Bind the Defendants Lands from that time, although in Truth they were acknowledged or Suffered, or Signed in the Vacation time after the ſaid Term, Whereby many times Purchaſers find themſelves agrieved.

Be it Enacted therefore, by the Authority aforeſaid, That from and after the ſaid Feaſt Day of the Nativity of Saint John the Baptiſt, which ſhall be in the ſaid Year of Our Lord God, One thouſand Six hundred Ninety ſix, any Judge or Officer in His Majeſty's Courts at Dublin, that ſhall Sign any Judgment, ſhall at the Signing of the ſame, without Feé for ſo doing of the ſame, ſet down the day of the Month, and Year of his ſo doing, upon the Paper Book, Docket, or Record which he ſhall Sign; Which day of the Month and Year, ſhall be alſo Entred upon the Margent of the Roll of the Record, where the ſaid Judgment ſhall be Entred.

And be it Enacted, That ſuch Judgments as againſt Purchaſers, bona fide, for Valuable Conſiderations

ſiderations of Lands, Tenements or Hereditaments, to be Charged thereby, ſhall in Conſideration of Law, be Judgments only from ſuch time as they ſhall be ſo Signed, and ſhall not relate to the Firſt day of the Term whereof they are Entred, or the Day of the Return of the Original, or Fileing the Bail, any Law or Uſage, or Courſe of any Court to the Contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid Feaſt day of the Nativity of Saint John the Baptiſt, which ſhall be in the ſaid Year of our Lord God, One thouſand Six hundred Ninety and ſix, no Writ of Fier. fac. or other Writ of Execution, ſhall bind the property of the Goods of the Party againſt whom ſuch Writ of Execution is Sued forth, but from the time ſuch Writ ſhall be delivered to the Sheriff, Under-Sheriff, or Coroner to be Executed. And for the better Manifeſtation of the ſaid time, the Sheriff, Under-Sheriff and Coroners, their Deputies and Agents, ſhall upon the Receipt of any ſuch Writ, without Fee for doing the ſame, Endorſe upon the backſide thereof, the day of the Month, and Year, whereon he or they received the ſame.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid Feaſt day of the Nativity of Saint John the Baptiſt, which ſhall be in the ſaid Year of our Lord God, One thouſand Six hundred and Ninety ſix, no Contract for the Sale of any Goods, Wares, or Merchandizes, for the price of Ten pounds Sterl. or upwards, ſhall be allowed to be good, except the Buyer ſhall accept part of the Goods ſo Sold, and actually receive the ſame, or give ſomething in Earneſt to bind the Bargain, or in part of Payment, or that ſome Note or Memorandum in Writing of the ſaid Bargain, be Made and

Signed

Signed by the parties to be charged by such Contract, or other Agents thereunto lawfully Authorized.

And be it further Enacted by the Authority aforesaid, That the day of the Month and Year of the Inrollment of the Recognizances, shall be set down in the Margent of the Roll, where the said Recognizances are Inrolled, and that from and after the said Feast day of Saint John the Baptist, which shall be in the said Year of Our Lord God, One thousand Six hundred and Ninety six, no Recognizances shall bind any Lands, Tenements, or Hereditaments, in the Hands of any Purchaser, bona fide, and for Valuable Consideration, but from the time of such Inrollment, Any Law, Usage, or Course of any Court to the contrary notwithstanding.

And for prevention of Fraudulent Practices in setting up Noncupative Wills, which have bèn the occasion of much Perjury.

Be it Enacted by the Authority aforesaid, that from and after the said Feast Day of St. John the Baptist, which shall be in the said Year of Our Lord God, One thousand six hundred, ninety six, no Noncupative Will shall be good where the Estate thereby Bequeathed shall exceèd the Value of Thirty Pounds, that is not proved by the Oaths of three Witnesses (at the least) that were present at the making thereof, nor unless it be proved that the Testator at the time of pronouncing the same did bid the Persons present, or some of them, bear Witness that such was his Will, or to that Effect; Nor unless such Noncupative Will were made in the time of the last Sickness of the Deceased, and in the House of his or their Habitations or Dwelling, or where he or she hath bèn Resident for the space of Ten Days or more next before the making of such Will, except where such Person were surprized or taken Sick, being from his own home, and Dyed before he

Returned to the place of his or her Dwelling.

And be it further Enacted, That after Six Months passed after the speaking of the pretended Testamentary Words, no Testimony shall be Received to prove any Will Noncupative, except the said Testimony, or the Substance thereof, were Committed to Writing within six Days after the making of the said Will.

And be it further Enacted, That no Letters Testamentary or Probate of any Noncupative Will shall Pass the Seal of any Court till fourteen Days, at the least, after the Decease of the Testator be fully Expired, nor shall any Noncupative Will be Received to be proved unless Process have First Issued to Call in the Widow or next of Kindred to the Deceased, to the End they may Contest the same if they please.

And be it further Enacted, That no Will in Writing Concerning any Goods or Chattles, or Personal Estate shall be Repealed; Nor shall any Clause, Devise or Bequest therein be Altered or Changed by Words or Will, by Word of Mouth only, Except the same be in the life of the Testator Committed to Writing; And after the Writing thereof Read unto the Testator, and Allowed by him, and proved to be so Done by three Witnesses at the least.

Provided always That Notwithstanding this Act, any Soldier, being in Actual Military Service, or any Mariner or Seaman being at Sea may Dispose of his Movables, Wages, and personal Estate, as he or they might have Done before the making of this Act.

And it is hereby Declared that nothing in this Act shall Extend to Alter or Change the Jurisdiction or Rights of Probates of Wills Concerning Personal Estates, but that the Prerogative Court of the Arch-Bishop of Armagh, and other Ecclesiastical Courts, and other Courts, having Right to the Probate of such Wills, shall retain the same Right and Power as they had before in every Respect, subject nevertheless to the Rules and Directions of this Act.

An

An Act for the more Eaſy Diſcharging of Sheriffs upon their Accounts: And from being Juſtices of the Peace.

CHAP. XIII.

WHEREAS Divers Sheriffs of Counties within this Kingdom of IRELAND, have been often Troubled and Vexed long time after they have reſpectively paſſed their Accounts, and obtained their Quietus eſt; and Charged a-new With Arrearages, Debts, and Summs of Money pretended to have been by them Levied or Received, and not by them formerly Accounted for, to the great Diſcouragement of others to take upon them the ſaid Office. His Moſt Excellent Majeſty is therefore Graciouſly pleaſed that it may be Enacted.

And be it Enacted by the King's Moſt Excellent Majeſty, by, and With the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That all and every Sheriff or Sheriffs, Who already have paſſed their Accounts, and obtained their Quietus: And all and every Sheriff or Sheriffs, Who hereafter ſhall paſs his or their Accounts, and have his or their Quietus eſt, that then and from thenceforth, the ſaid Sheriff and Sheriffs, his and their Heirs, Executors and Adminiſtrators, Lands, Tenements, Goods and Chatties are, and ſhall be Abſolutely Diſcharged

ged of and from all manner of Summ and Summs of Money, Which he or they shall have so Levyed or Received, and pretended not to be Accounted for within the said Account, Whereupon he or they had his or their Quietus est, unless such Sheriff or Sheriffs, their Executors or Administrators have been, or shall be called in Question for such Summ or Summs of Money, to be Levyed or Received, and not Accounted for, within the space of Four Years after the time of such Account passed, and Quietus est obtained.

And that every Officer or Minister, that shall send out, or cause to be sent out, any Writ or Process, or by whose Default any Writ or Process shall be sent out, contrary to the Tenor of this Act, shall for every such Offence, Forfeit and Pay to the party Grieved by such Writ or Process, the Summ of Forty Pounds, With his Costs and Damages, the said Summ of Forty Pounds, And the said Costs and Damages to be Recovered by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at Dublin, at the Election of the Plantiffs or Prosecutors Wherein no Priveledge, Protection, Essoyn or Wager of Law shall be allowed to the Defendant.

And be it further Enacted by the Authority aforesaid, That every such Offender being three times Lawfully Convicted of any such Offence or Offences, contrary to the True meaning of this Act, shall from and after such their said Conviction be utterly Disabled to Hold or Execute by himself, his Deputy or Deputies, any Office or Imployment in any Court of Justice whatsoever.

And Whereas Divers Persons being in Commission

miſſion of the Peace have bẽn made Sheriffs or Sub-Sheriffs of the ſame County where they were in ſuch Commiſſion, or being Sheriffs or Sub-Sheriffs, have bẽn after put into the Commiſſion of the Peace in the County where they were Sheriff or Sub-Sheriffs; and have Exerciſed both the ſaid Offices at once in the ſame County, which is found to be Inconvenient. For Remedy whereof,

Be it Enacted by the Authority aforeſaid, That no Perſon or Perſons, having, Uſing or Exerciſing the Office of Sheriff or Sub-Sheriff, of, or in any County or Counties, ſhall Uſe or Exerciſe the Office of Juſtice of the Peace in the ſame County or Counties, where he or they ſhall be Sheriff or Sub-Sheriff, during the time that he or they ſhall Uſe or Exerciſe the ſaid Office of Sheriff or Sub-Sheriff: And that all and every Act and Acts to be Done, from and after the End of this preſent Seſſion of Parliament, as a Juſtice of the Peace by any ſuch Sheriff or Sub-Sheriff, during the time of his being Sheriff or Sub-Sheriff, ſhall be Void and of none Effect, and ſhall Loſe and Forfeit for Every ſuch Offence the ſumm of Twenty Pounds, one Moyety thereof to be to the Uſe of His Majeſty His Heirs and Succeſſors; the other Moyety to him who ſhall ſue for, and Recover the ſame by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Dublin, wherein no Eſſoyn, Protection, or Wager of Law ſhall be Allowed.

An Act Declaring which Days in the Year shall be Observed as Holy-Days.

CHAP. XIV.

WHEREAS many Idle Persons refuse to Work at their Lawful Calling and Labour on several Days in the Year, on pretence that the same is Dedicated to some Saint, or pretended Saint, Patron, or pretended Patron, for whom they have, or pretend to have Reverence or Respect: And chuse rather to spend such Days in Idleness, Drunkenness, and Vice, to the Scandal of Religion, rather then following and Working in their Lawful Calling, & Usual Imployment, which hath been found by Experience, to tend very much to the Impoverishing and hindring the Improvement of this Kingdom. For Remedy Whereof,

Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by the Authority of the same, That if any Common Labourer, being Hired, or other Servants retained, shall Refuse to Work upon any other Day, then the several Days hereafter mentioned, being thereunto Required, upon the Usual and Accustomed Wages, (That is to say) All Sundays in the Year. The Day of the Feast of the Circumcision of Our Lord JESUS Christ. Of the Epiphany, Of the Conversion

verſion of Saint Paul. Of the Purification of the Bleſſed Virgin. Of Saint Mathias the Apoſtle. Of the Annunciation of the Bleſſed Virgin. Of Saint Mark the Evangeliſt. Of Saint Phillip and Jacob the Apoſtles. Of Saint Barnabas the Apoſtle. Of the Aſcenſion of Our Lord JESUS Chriſt. Of the Nativity of Saint John the Baptiſt. Of Saint Peter the Apoſtle. Of Saint James the Apoſtle. Of Saint Bartholomew the Apoſtle. Of Saint Matthew the Apoſtle. Of Saint Michael the Arch Angel. Of Saint Luke the Evangeliſt. Of Saint Simon and Saint Jude the Apoſtles. Of All-Saints. Of Saint Andrew the Apoſtle. Of Saint Thomas the Apoſtle. Of the Nativity of Our Lord. Of Saint Stephen the Martyr. Of Saint John the Evangeliſt. Of the Holy-Innocents. Munday and Tueſday in Eaſter Week. Munday and Tueſday in Whitſon Week. The Twenty Third of October. Fifth of November. The Thirtieth Day of January, and Twenty Ninth Day of May, Yearly. And that no other Day, Except the Days aforeſaid, and ſuch other Days as on ſome Extraordinary Occaſions ſhall hereafter be ſet a part, by Order of His Majeſty, His Heirs and Succeſſors, or the Chief Governour or Governours of this Kingdom, for the time being, ſhall be kept, or Commanded to be kept Holy, or to Abſtain from Lawful Bodily Labour. Every ſuch Perſon or Perſons ſo Refuſing, being thereof Lawfully Convicted by his, or their own Confeſſion, or by the Teſtimony of one, or more ſufficient Witneſs or Witneſſes, upon Oath, before any Juſtice of the Peace, in any County, Mayor, or other Chief Officer of any City, Burrough, Town or Corporation, who ſhall have power by Vertue of this Statute to miniſter

ſuch

such Oaths where the Offence shall be Committed, or the Party Offending Apprehended, shall Forfeit the summ of Two shillings, to be paid at such time, or to such Person as by the said Justice of the Peace, or other Chief Officer aforesaid, shall be appointed, to be Disposed of to the Poor of the Parish where such Offence shall be Committed; And if such Offender or Offenders shall Neglect or Refuse to pay the said summs to be Assessed or Appointed, as aforesaid, then the said Justice of the Peace, or other Head-Officer, aforesaid, shall Commit all and every such Offender and Offenders to some Constable, or other Inferior Officer of the County, City, Town, or Corporation, where the said Offence shall be Committed, or the Party Apprehended, to be Publickly Whipped; which Punishment shall be Publickly Inflicted and Executed upon such Offenders, within the space of Twenty Four Hours after such Order made.

And be it Enacted by the Authority aforesaid, That if any Constable or Inferior Officer, aforesaid, Do Refuse, or do not at the Commandment of any Justice of the Peace, or other Chief Officer of any County, City, Town, or Corporation, Execute by himself, or by some other, to be by him procured, the Punishment aforesaid upon all such Offenders; That in that Case it shall and may be Lawful for the said Justice of the Peace, and all and Every other Justice or Justices of the Peace, or Chief Officer of any such County, City, Town, or Corporation, upon sufficient Information thereof, to bind over such Constable, or Inferior Town-Officer, to the next General Quarter-Sessions of the Peace, or General Assizes or Goal-Delivery, which shall first happen there to

be

be proceéded against for such his Contempt: And in Case he shall be found Guilty thereof, upon Examination of One or more Witness or Witnesses, he shall be Fined at the Discretion of the Court, so as such Fine for Every such Offence Do not Exceéd the Summ of Twenty Shillings.

Provided always, That no Justice of the Peace, or Head-Officer of any Town or Corporation, Do Execute this Statute for any Offence Done unto himself, or Whereof Complaint was not made within Ten Days after such Refusal to Work, as aforesaid: And all Justices of Assize and Goal-Delivery are hereby Required to give this Act in Charge at Every Assize or Goal-Delivery within the several Counties of their Circuits; and to Enquire of, Hear and Determine the Neglect of all Justices of the Peace and others in the Due Execution of this Statute.

CHAP. XV.

An ACT for Granting a Supply to His Majeſty, by Raiſing Money by a Poll, and otherwiſe.

CHAP. XVI.

An ACT for Granting unto His Majeſty, an Aid or Additional Cuſtom, on the ſeveral Goods and Merchandizes therein mentioned.

An

An Act for the Better Obſervation of the *Lord's Day*, commonly called *Sunday*.

CHAP. XVII

FOR the better Obſervation, and Keeping Holy the Lord's-Day, commonly called Sunday. Be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled; and by the Authority of the ſame, That all and every Perſon and Perſons whatſoever, ſhall on every Lord's-Day apply themſelves to the Obſervation of the ſame, by Exerciſing themſelves thereon, in the Duties of Piety and True Religion, Publickly and Privately: And that no Tradeſman, Artificer, Workman, Labourer, or other Perſon whatſoever, ſhall Do or Exerciſe any Worldly Labour, Buſineſs, or Work, of their Ordinary Callings upon the Lord's-Day, or any part thereof (Works of Neceſſity and Charity only Excepted.) And that every Perſon being of the Age of Fourteen years, or upwards, Offending in the Premiſes, ſhall for every ſuch Offence, Forfeit the Summ of Five Shillings. And that no Perſon or Perſons whatſoever, ſhall publickly Cry, Shew forth, or Expoſe to Sale any Wares, Merchandizes, Fruit, Herbs, Goods or Chattles whatſoever, upon the Lord's-Day, or any part thereof, upon pain that every perſon ſo Offending, ſhall Forfeit the ſame Goods ſo Cryed, or Shewed forth, or Expoſed to Sale.

And

And it is further Enacted, That no Drover, Horse-Courser, Waggoner, Carrier, Butcher, Higler, their, or any of their Servants, shall Travel, or come into his or their Inn, or Lodging upon the Lord's-Day, or any part thereof, upon pain that each and every such Offender shall Forfeit Twenty Shillings for such Offence: And for prevention of Disorders, and Breaches of the Peace, which commonly happen in divers parts of the Kingdom, by reason of Tumultuous and Disorderly Meetings, which have been, and frequently are used on the Lord's-Day, Commonly called *Sunday*, under pretence of Hurling, Commoning, Foot-Ball Playing, Cudgels, Wrestling or other Sports.

Be it further Enacted, by the Authority aforesaid, That no person or persons whatsoever, shall Play, Use, or Exercise any Hurling, Commoning, Foot-Ball Playing, Cudgels, Wrestling, or any other Games, Pastimes or Sports, on the Lord's-Day, or any part thereof. And if any person or persons shall Offend therein, and be thereof Convicted in such manner, as herein after Directed; Every such person and persons, shall Forfeit the Summ of Twelve Pence Sterl. for every such Offence, to be immediately paid to such Justice of the Peace, Officer or Officers, before Whom such Conviction shall be. And that if any person Offending against this Act, or any thing therein contained, shall be thereof Convicted before any Justice of the Peace of the County, or of the Chief Officer or Officers, or any Justice of the Peace, of, or within any City, Burrough, or Town Corporate, where the said Offence shall be Committed, upon his or their View, or Confession of the Party, or proof of any one, or more Witnesses, by Oath, which the said Justices,

Justices, Chief Officer or Officers, is by this Act Authorized to Administer: The said Justice, or Chief Officer or Officers, shall give Warrant under his or their Hands and Seals, to the Constables or Church-Wardens of the Parish or Parishes where such Offence shall be Committed, to Seize the said Goods Cryed, Shewed Forth, or put to Sale, as aforesaid; And to Sell the same: And to Levy the said other Forfeitures or Penalties, by Way of Distress and Sale of the Goods of Every such Offender Distrained, rendring to the said Offender the Overplus of the Monies Raised thereby. And in Default of such Distress, or in Case of Insufficiency, or Inability of the said Offender, to pay the said Forfeitures and Penalties, That then the party Offending be Set Publickly in the Stocks by the space of two Hours; and all and singular the Forfeitures or Penalties aforesaid, shall be Imployed and Converted to the use of the Poor of the Parish, where the said Offences shall be Committed. Saving only, that it shall and may be Lawful to, and for any Justice, Mayor, or Head Officer or Officers, out of the said Forfeitures or Penalties, to Reward any person or persons that shall Inform of any Offence against this Act, according to their Discretions; so as such Reward Exceed not the third part of the Forfeitures or Penalties.

Provided that nothing in this Act Contained shall Extend to the Prohibiting of Dressing Meat in Families, or Dressing or Selling of Meat in Inns, Cooks-Shops, or Victualling-Houses, for such as otherwise cannot be provided: Nor the Crying or Selling of Milk or Fish before Ten of the Clock in the Morning, or after Four of the Clock in the Afternoon: Nor to the Using of Hackney-Coaches in or about the City of Dublin.

Provided also, That no person or persons shall be Impeached, Prosecuted or Molested for any Offence before-mentioned in this Act, unless he or they be Prosecuted for the same, within Ten Days after the Offence Committed.

Provided, And be it further Enacted by the Authority aforesaid, That if any person or persons whatsoever, which shall Travel on the Lords-Day shall be then Robbed, that no Hundred, or the Inhabitants thereof, shall be Charged with, or Answerable for any Robbery so Committed; but the person or persons so Robbed, shall be barred from bringing any Action for the said Robbery, Any Law to the Contrary notwithstanding.

Nevertheless the Inhabitants of the Counties, Hundreds, or Baronies, after Notice of any such Robbery to them, or some of them given, or after Hue and Cry for the same to be brought, shall make, or Cause to be made, fresh Sute and Persuit after the Offenders, with Horse-men and Foot-men, according to the Statute made in the Tenth Year of the Reign of King Charles the First, upon pain of Forfeiting to the King's Majesty, His Heirs and Successors, as much Money as might have been Recovered against the said Hundred or Barony, by the party Robbed, as if this Law had not been made.

Provided also, and be it Enacted, That no Person or Persons upon the Lords-Day, Commonly called Sunday, shall Serve, or Execute, or cause to be Served or Executed, any Writ, Process, Warrant, Order, Judgment, or Decree (Except in Cases of Treason, Felony, or Breach of the Peace) But that the Service of Every such Writ, Process, Warrant, Order, Judgment, or Decree, shall be Void to all Intents and purposes whatsoever; And the person and persons so Serving or

Executing

Executing the same; shall be as Lyable to the Sute of the party grieved, and to Answer Damage to him for Doing thereof, as if he or they had done the same Without any Writ, Process, Warrant, Order, Judgment, or Decree at all. And for the better preventing, Drinking and Intemperance on the Lord's-Day, commonly called Sunday.

Be it also Enacted by the Authority aforesaid, That no Keeper of any Tavern, Ale-House, or publick Victualling-House, shall receive, entertain, or permit to remain in his House, any person or persons, during the time of Divine-Service, Except those who are of their own Family, or Lodgers in the said House; or furnish them with Wine, Ale, Beer, or other Liquor of any sort, upon the penalty of Forfeiting of Ten Shillings for every such Offence, to be paid by every such Keeper of Taverns, Ale-Houses, or publick Victualling-Houses, and also of the Summ of Five Shillings to be Forfeited by every such person or persons, who shall enter or remain in such Taverns, Ale-Houses, or Victualling-Houses, contrary to this Act.

And for the better Execution thereof, all Constables and Church-Wardens of Parishes, Within the several Cities, and Towns Corporate within this Realm, are Commanded, and Required frequently, and as often as they have Reasonable cause so to do, to Enter into all Taverns, Ale-Houses, and Victualling-Houses, Within their Parishes or Districts, where they shall Reasonably suspect any person, to be, and Remain contrary to the Intent of this present Act: And to Apprehend such persons as they shall find or Reasonably suspect to be Offenders against the same: And also the Master or Keeper of such

House

House where such Offenders shall be Apprehended; and them in Custody to Carry before the next, or some other Justice of Peace near the place where such Person shall be Apprehended; Which Justice or Justices of the Peace, are hereby Impowered to Examine Witnesses upon Oath touching the Breach of this Law: And after Examination to proceed to a Conviction or Acquittal of the Persons Accused, which shall be Final to all Parties. And if such Justice or Justices of the Peace shall upon proof Convict the persons Accused to have Offended against this Law, the said Justice of Peace shall forthwith Demand from such Offenders, the Penalties on them Intended to be Imposed by this Act, and to Receive the same; and in Default of payment, to Commit the Offender to the Goal of the said County, till he shall have made payment of the same; Which Summ so paid and Received shall be Applyed to the Use of the Poor of the Respective Parishes, where such Offences have been, or shall be Committed.

Provided nothing herein contained, shall Extend to Persons who have been, in any Inns before the Lords Day, commonly called Sunday, and Design to Abide there on Sunday: But it shall and may be Lawful for such persons to continue and remain in such Inns and Publick Houses, as if this Act had never been made.

Provided always, that this Act shall Commence and Take Effect on the First Day of November, in the Year of Our Lord, One Thousand Six Hundred Ninety Five, and not before.

An

An Act for taking Special Bails in the Country upon Actions and Sutes Depending in the Courts of *King's-Bench*, *Common-Pleas*, and *Exchequer*, at *Dublin*.

CHAP. XVIII.

FOR the Greater Eaſe and Benefit of all Perſons whatſoever, in taking the Recognizances of Special Bail, upon all Actions and Sutes Depending, or to be Depending, in any the Courts of King's-Bench, Common-Pleas, or Exchequer at Dublin.

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the Chief Juſtice, and other the Juſtices of the Court of King's-Bench, for the time being, or any two of them, whereof the Chief Juſtice, for the time being, to be one for the ſaid Court of King's-Bench, and the Chief Juſtice of the Court of Common-Pleas; and other the Juſtices there, for the time being, or any two of them, whereof the Chief Juſtice of the ſame Court to be one for the ſaid Court of Common-Pleas; and alſo the Chief Baron and Barons of the Court of Exchequer, for the time being, or any two of them, whereof the Chief Baron, for the time being, to be one for the ſaid Court of Exchequer, may, and are Required by one or more Commiſſion or Commiſſions, according to the Large-

nels of the ſeveral Counties, under the ſeveral Seals of the ſaid Reſpective Courts, from time to time, as need ſhall Require, Impower ſuch and ſo many Perſons, other then common Attorneys and Sollicitors, as ſhall be fit and Neceſſary in all and every the ſeveral Counties within the Kingdom of IRELAND, to take and Receive all and every ſuch Recognizance or Recognizances of Bail or Bails, as any perſon or perſons ſhall be Willing or Deſirous to Acknowledge, or make before any of the perſons ſo Impowered, in any Action or Sute Depending, or hereafter to be Depending, in the ſaid Reſpective Courts, or any of them, in ſuch Manner and Form, and by ſuch Bail Peice, as the Juſtices and Barons of the ſaid Reſpective Courts have uſed to take the ſame; For each of which Commiſſions, there ſhall be paid Thirteen Shillings and Four-pence, and no more: Which ſaid Recognizance or Recognizances of Bail, or Bail peice ſo Taken, as aforeſaid, ſhall be Tranſmitted to ſome, or one of the Juſtices or Barons of the ſaid Reſpective Courts, where ſuch Action or Sute ſhall be Depending: And upon Affidavit made of the Due taking of the Recognizance of ſuch Bail piece, by ſome Credible perſon preſent at the taking thereof, ſuch Chief Juſtice, or Chief Baron, Juſtice or Baron, ſhall receive the ſame upon payment of ſuch Fees as have been Uſually Received for the Taking of Special Bails by the Juſtices and Barons Clerks, and other the Officers of the ſaid Reſpective Courts: Which Recognizance of Bail, or Bail peice ſo taken and Tranſmitted ſhall be of the like Effect, as if the ſame

were

Weve taken, de bene Esse, before any of the said Justices and Barons. For the taking of every Which Recognizance or Recognizances of Bail, or Bail Peice, the person or persons so Impowered shall Receive only the Summ or Fee of Two Shillings, and no more.

And be it further Enacted, by the Authority aforesaid, That the Justices and Barons respectively, in the several Courts, shall make such Rules and Orders for the Justifying of such Bails, and making the same Absolute, as to them shall seem meet; so as the Cognizor or Cognizors of such Bail or Bails be not Compelled to Appear in person in any of the said Courts, to Justifie him or themselves; but the same may, and is hereby Directed to be Determined by Affidavit or Affidavits Duely taken before the said Commissioners, Who are hereby Impowered and Required to take the same; And also to Examine the Sureties upon Oath, touching the Value of their respective Estates, unless the Cognizor or Cognizors of such Bail, do Live Within the City of Dublin, or Within Ten Miles thereof.

And be it further Enacted by the Authority aforesaid, That any Judge of Assize in his Circuit, shall, and may Take and Receive all and every such Recognizance and Recognizances of Bail or Bails, as any person shall be Willing and Desirous, to make and Acknowledge before him; Which being Transmitted in like manner, as aforesaid, shall Without Oath be Received in manner, as aforesaid, upon Payment of the Usual Fees.

And be it further Enacted, by the Authority aforesaid,

aforesaid, That any Person or Persons who shall before any Person or Persons Impowered by Vertue of this Act, as aforesaid, to take Bail or Bails, Represent or Personate any other Person or Persons, Whereby the Person or Persons so Represented and Personated, may be lyable to the Payment of any Summ or Summs of Money, for Debt or Damages, to be Recovered in the same Sute or Action Wherein such Person or Persons are Represented and Personated, as if they had Really Acknowledged and Entred into the same, being Lawfully Convicted thereof, shall be Adjudged, Esteemed, and Taken to be Felons, and suffer the Pains of Death, and Incur such Forfeitures and Penalties as Felons, in other Cases Convicted or Attainted, do by the Law of this Realm Lose and Forfeit.

An Act for Granting Tales on Tryals, to be had in the Court of the County Palatine of *Tipperary*, before the Seneschal.

CHAP. XIX.

WHEREAS it has been found by Experience, that the Non-Appearance of Jurors hath been a Great Delay to the doing Justice, and by Consequence very prejudicial to His Majesty's Subjects. For the Remedy whereof, in Cases to be Tryed by Nisi prius,

prius, a Good Law hath been Enacted in this Kingdom in the Tenth Year of the Reign of Charles the First, Late King of England, &c. And Intituled, An Act concerning the Appearance of Jurors in the *Nisi prius*. And Whereas all Tryals in the County Palatine Court of Tipperary are had at the Bar of the said Court, and can only be Tryed by Jurors Returned in the Venire, Which hath been found to be very Grievous to all such Persons as have Right to Demand, or Recover any Lands, Tenements, or, Hereditaments, or other thing whatsoever within the said County Palatine. For Remedy Whereof,

Be it Enacted by the King's Most Excellent Majesty, With the Assent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That on all Tryals hereafter to be had in any Cause whatsoever in the said Court of the said County Palatine, to be held before the Seneschal thereof, upon the Jurors Non-Appearance, it shall and may be Lawful for either Party, Plantiff or Defendant, to Demand a Tales de Circumstantibus, Which shall be granted by the Court, and Returned by the proper Officer and Officers in such Manner and Form: And to such Effect and Purpose as by the said Statute, made the Tenth Year of the Reign of the Late King CHARLES the First Intituled, An Act concerning the Appearance of Jurors in the *Nisi prius*, is Provided upon Tryals of Nisi prius: And that all Tryals so had shall for ever hereafter be Adjudged,

Construed, and taken to be Valid and sufficient in Law, Notwithstanding any Exception that may or shall be taken, by Reason such Tryal or Tryals was or were had by Person or Persons Returned upon the Tales, as aforesaid.

An Act Concerning Fines in the County Palatine of *Tipperary*.

CHAP. XX.

WHEREAS it is for the Common Good and Advantage of the Publick, that the Estates of Purchasers for Valuable Considerations should be Secured unto them, towards which, nothing has conduced more then Fines Levyed in Due Form of Law. And Whereas some doubt may arise concerning the Validity of Fines Levyed in the County Palatine Court of Tipperary, according to the Custom and Usage thereof, whereby the Estates of several of His Majesty's Subjects who have been, and may hereafter be Purchasers of Lands, Tenements, and Hereditaments, being within the Jurisdiction of the said Palatinate, may to their great prejudice be called in Question. For Remedy whereof,

Be it Enacted by Your Most Excellent Majesty, by and with the Assent of the Lords Spiritual and Temporal, and Commons in this present

preſent Parliament Aſſembled, and by the Authority of the ſame, That all and ſingular the Fines heretofore Levyed in the Court of the ſaid County Palatine, ſhall be of the ſame Force and Efficacy in Law as Fines with Proclamations Levyed before His Majeſty's Juſtices of the Common-Pleas in this Kingdom, and that all and ſingular Fines, which at any time hereafter ſhall be Levyed or acknowledged in any Term before the Judge or Judges in the ſaid County Palatine of Tipperary, for the time being, of any Lands, Tenements, or other Hereditaments, Lying, or being within the ſaid County Palatine, which ſhall be openly Read and Proclaimed in the open Court, in the preſence of the Judge or Judges, in the Term held for the ſaid Palatinate, being the ſame Term that the ſame ſhall fortune to be Ingroſſed; And alſo that ſhall be openly Read and Proclaimed in the preſence of the Judge or Judges of the ſaid County Palatine of Tipperary, or one of them, for the time being, at Two Terms that ſhall be holden in the ſaid County Palatine of Tipperary, before the Judge or Judges of the ſame, or any one of them next after the Levying and Ingroſſing of ſuch ſaid Fine, ſhall be of like, and of the ſame Force, Strength, and Effect in the Law, to all Intents, Conſtructions and Purpoſes, as Fines being duly Levyed with Proclamations before the King's Judges of his Common-Pleas, at Dublin, be, or ought to be.

An

An Act for the better Suppreſſing Tories, Robbers and Rapparees; and for preventing Robberies, Burglaries, and other hainous Crimes.

CHAP. XXI.

FOraſmuch as by the late Rebellion in this Kingdom, a great part thereof hath been left Waſte and Deſolate; and the frequent Robberies, Murders, and other Notorious Felonies Committed by Robbers, Rapparees and Tories, upon their Keeping, hath greatly Diſcouraged the Re-planting of this Kingdom, the Papiſt Inhabitants thereof, chuſing rather to ſuffer Strangers to be Robbed and Deſpoiled of their Goods, then to Apprehend or Convict the Offenders of whom the greateſt part are people of the ſame Country; and Countenanced, Harboured, and Concealed by the Inhabitants thereof. For the Remedy of which Miſchiefs, and for the better Encouragement of Strangers to Plaint and Inhabit this Your Majeſty's Kingdom of Ireland, and for the general Preſervation of Peace and Property of Your Majeſty's Good Subjects therein.

May it pleaſe Your Majeſty that it may be Enacted; And be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the Inhabitants of every Barony or County, within this Kingdom, ſhall make full ſatisfaction and amends for all Robberies, Burglaries, Burning of Houſes, or Haggards of Corn, Killing or Maiming of Cattle,

Cattle, which ſhall be Committed or Done by Robbers, Rapparées, or Tories, within ſuch Barony or County, from and after the Royal Aſſent given to this Bill, in manner and form following (That is to ſay) where all or any of the Facts ſhall be Committed or Done by Rapparées, Robbers or Tories, as aforeſaid, that are, or ſhall be Papiſts, or Reputed of the Popiſh Religion, the Popiſh Inhabitants of the Barony or County wherein all or any of the ſaid Facts ſhall be Committed, ſhall make ſatisfaction and amends for the ſame: And where all or any of the ſaid Facts ſhall be Committed or Done by Robbers, Rapparées or Tories, as aforeſaid, that are, or ſhall be Proteſtants, or Reputed to be of the Proteſtant Religion, the Proteſtant Inhabitants of the Barony or County, wherein all, or any of the ſaid Facts ſhall be Committed, ſhall make ſatisfaction and amends for the ſame. And if it ſhall happen, that all, or any of the ſaid Facts be Committed or Done by Popiſh and Proteſtant Robbers, Rapparées or Tories, as aforeſaid, then and in ſuch Caſe, the Popiſh and Proteſtant Inhabitants of the Barony or County wherein ſuch Facts ſhall be Committed or Done, ſhall make ſatisfaction and amends for the ſame; and in ſuch proportion, and according to the Number of ſuch Papiſts and Proteſtants as ſhall Commit the ſame (that is to ſay) if two Papiſts and one Proteſtant, the Papiſt Inhabitants to pay two ſhares, and the Proteſtants the remaining third part of the ſaid Damages; And ſo pro rata, in Caſe of a greater or leſſer Number. And if all, or any of the ſaid Facts be Committed or Done in the Diviſion, or Bearing of two Baronies, or two Counties, ſo as it ſhall be uncer-

tain in Which County or Barony the Fact or Facts Were Committed; then, and in such Case, the Inhabitants of the both Baronies; or both Counties, shall make satisfaction and amends for the same, in such manner, and under such Distinction as is hereby Declared.

And be it further Enacted by the Authority aforesaid. That in all Cases where the Damages do not Exceed the Summ of Ten pounds, Sterling, the Inhabitants of the Barony and Franchizes Within the Precincts thereof, Wherein all, or any of the said Facts shall be Committed, and not the County at Large, shall make satisfaction and amends for the same, in such manner, and With such Distinction, as aforesaid; And in all Cases Where the Damages do exceed the Summ of Ten pounds, sterl. the Inhabitants of the County, Wherein all or any of the said Facts shall be Committed, shall make satisfaction and amends for the same, in the manner, and With the Distinction aforesaid: And that the Jury that shall Try any Action Committed or Prosecuted on this Act, shall in their Verdict Ascertain the person and persons that commit such Robbery, Burning of Houses, or Haggards of Corn, Killing, or Maiming of Cattle, Whether they Were Papist or Protestants, and the Number of the one, and the other, as also the Damages, according to the Evidence that shall be on the Tryal offered to them.

And be it further Enacted by the Authority aforesaid, That every person and persons, so as aforesaid, Robbed or Damnified, may be hereby Enabled to Sue for and Recover his or their Damages against any Inhabitant of the said County or Barony, Who by this Act shall be made

made liable to anſwer any part thereof; and that immediately after ſuch Recovery and Execution againſt the ſaid Inhabitants, all other the Inhabitants of the ſaid Barony or County, who by this Act ſhall be made lyable to all or any part of the ſaid Damages, ſhall be Ratably and proportionably Lared, for, and towards an Equal Contribution for the Relief of ſuch Inhabitant againſt whom the ſaid Recovery and Execution is had; which Tax ſhall be Made, Levyed and Raiſed by ſuch Ways and Means, and in ſuch Manner and Form as is preſcribed and mentioned in a former Statute, Intituled, An Act for the following of Hue and Cry, made in the Tenth and Eleventh Years of the Reign of King Charles the Firſt, in this Kingdom.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons ſhall Recover any Damages by Vertue of this Act, unleſs he or they by themſelves, or by their Servants within twenty four hours after ſuch Robbery or Injury done him or them, by any Robbers, Tories or Rapparees or within reaſonable time after he ſhall be at Liberty, ſhall give Notice of ſuch Robbery or Miſchiefs done and Committed, unto ſome of the Inhabitants of ſome Town, Village, or Hamlet, near unto the place where any ſuch Fact ſhall be Committed, and ſhall within four Days after ſuch Notice, give in his, her, or their Examination upon Oath, or of their Servant or Servants that were in his, or their Houſe, or that had the Care of his Corn, Stock or Goods, before ſome Juſtice of the Peace of the County where ſuch Fact ſhall be Committed, Inhabiting within the Barony where the ſaid Fact ſhall hereafter happen to be Committed, or near unto the

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ſame, Whether he or they do know the Perſon or Perſons that Committed ſuch Fact, or any of them and if upon ſuch Examination it be Confeſſed that he or they do know the perſon or perſons that Committed the ſaid Fact, or any of them, that then he or they ſo Confeſſing, ſhall be bound by Recognizances to proſecute ſuch Offender or Offenders by Indictment, or otherwiſe, according to the Laws of this Kingdom.

And moreover, be it Enacted by the Authority aforeſaid, That before any Action ſhall be Commenced or Proſecuted on this Act, for recovery of Damages for any Loſſes ſuſtained, by reaſon of any Robbery, Burning of Houſes, or Corn, or Deſtruction of Cattle Contrary to the Tenour of this Act, the Perſon or Perſons ſo Injured, ſhall obtain or procure a Preſentment to be made at the next Aſſizes or Quarter-Seſſions, to be held after ſuch Robbery, Injury or Fact Committed, by the Grand Jury of the County where ſuch Fact ſhall be Committed, wherein Notice ſhall be taken of ſuch Robbery, or other Injuries or Miſchiefs, and of the Loſſes Suſtained, the Number of the Offenders, and how many of them are Papiſts, or Reputed ſuch, and how many Proteſtants or Reputed ſuch; As alſo of the Barony or Baronies and County where ſuch Fact was Committed; With the Names of the Offenders: But in Caſe where the Perſon or Perſons Robbed, Burnt or Injured, or their Servant or Servants do not know the Names of all or any of the Offenders, and ſhall Declare ſo on their Oath openly in Court, being Examined to the ſaid particulars, the ſaid Grand Jury in ſuch Preſentment to give the beſt Deſcription they can on the Evidence produced before them of ſuch Malefactors, to the End they may be brought the

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ſpeedier to Juſtice: Which Preſentment ſhall be given in Evidence by the Perſon and Perſons that ſhall obtain the ſame, on any Tryal for Damages for his Loſſes Suſtained, according to the purport of this Act.

And for the better Suppreſſing Robbers, Tories and Rapparees, that have ſo much of late Diſturbed the Peace and Settlement of this Kingdom,

Be it Enacted by the Authority aforeſaid, That if any perſon or perſons ſhall be at any time hereafter preſented at the Aſſizes or Quarter-Seſſions by the Grand-Jury, as a Tory, Rapparee or Robber, out on his Keeping, and ſuch Preſentment being returned to the Clerk of the Council, the perſon and perſons in ſuch Preſentment named, ſhall by Proclamation from the Lord Deputy, or other Chief Governor or Governors and Council of this Kingdom be Proclaimed; and in caſe ſuch perſon or perſons ſo Proclaimed, do not within the time to be limitted by ſuch Proclamation, render him or themſelves to ſome one or more Juſtices of the Peace of the County, where ſuch Preſentment ſhall be made, he and they ſo Preſented and Proclaimed ſhall from thenceforth be convict of High-Treaſon and ſuffer accordingly. And that all and every perſon and perſons Concealing, Aiding, Abetting and Succouring ſuch perſon and perſons, ſo Preſented and Proclaimed, knowingly, from and after the time ſo limitted by ſuch Proclamation, ſhall be guilty of Felony without Clergy, and Suffer as Felons convict of Felony without Clergy. And for the better Encouragement of ſuch perſons as ſhall Take and convict, or Kill any Robber, Rapparee or Tory in Arms, and upon his Keeping, Indicted, Proclaimed or Preſented, as aforeſaid, the Juſtices of Aſſize in their Circuit, and the Juſtices

ſtices of Peace in their Quarter-Seſſions, Reſpectively, with the Aſſent of the Grand-Jury, ſhall have power and Authority to Tax and Seſs every Inhabitant in any County, Barony, City, Burrough, Town or Pariſh within the Limits of their Commiſſions and Authorities, to ſuch Reaſonable Aid or Summ of Money as they ſhall think fit in their Diſcretion, Convenient and Sufficient for Encourageing and Rewarding ſuch Perſon or Perſons, as ſhall take and Convict, or Kill any Robber, Rapparee or Tory in Arms, and upon his Keeping.

Provided ſuch Summs do not Exceed Twenty pounds for any one Tory, which ſaid ſumm or ſumms of Money, ſo to be Raiſed, ſhall be Applotted and Apportioned by the ſaid Grand-Jury, and Levyed by ſuch Collectors as they ſhall appoint, Who ſhall have Power and Authority to Receive the ſaid Summs of Money, and to Diſtrain every ſuch Inhabitant as ſhall be Taxed and refuſe payment thereof; and to Sell ſuch Diſtreſs and deliver the Money Taxed to ſuch Perſon or Perſons as ſhall take or Kill ſuch Robber, Rapparee or Tory; and the Reſidue, if the Diſtreſs be better, to deliver to the Owner thereof. This Act to Continue and be of Force for three Years from the Royal Aſſent being given thereto, and to the End of the firſt Seſſion of the next Parliament after the ſaid three Years, and no longer.

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An Act for the more Speedy and Effectual Proceeding upon Diſtreſſes and Avowries for Rent.

CHAP. XXII.

FORASMUCH as the Ordinary Remedy for Arrearages of Rents is by Diſtreſs upon the Lands Chargeable therewith; and yet Nevertheleſs by reaſon of the Intricate & Dilitory proceedings upon Replevin, that Remedy is become Ineffectual. For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That whenever any Plantiff in Replevin ſhall be Nonſute before Iſſue Joyned in any Sute in Replevin, by Plaint or Writ Lawfully Returned, Removed, or Depending in any of his Majeſty's Courts at Dublin, or any Courts Palatine, or other Courts of Record Within this Kingdom, That the Defendant Avowant making a Suggeſtion in Nature of an Avowry or Connuzance for ſuch Rent, to Aſcertain the Court of the Cauſe of Diſtreſs, the Court upon his Prayer ſhall Award a Writ to the Sheriff of the County where the Diſtreſs was taken, to Inquire by the Oaths of Twelve Good and Lawful Men of the Bailiwick, touching the Summ in Arrear at the time of ſuch Diſtreſs taken, and the value of the Goods or Cattle Diſtrained, and thereupon Notice of Fifteen Days ſhall be given to the Plantiff, or his Attorney in Court, of the Sitting of ſuch Inquiry, and, thereupon

thereupon the Sheriff shall Inquire of the Truth of the matter Contained in such Writ, by the Oaths of Twelve Good and Lawful Men of his County; and upon the Return of such Inquisition the Defendant shall have Judgment to Recover against the Plantiff the Arrearages of such Rent, in Case the Goods or Cattle Distrained shall amount unto the Value; and in Case they shall not amount to that Value, then so much as the Value of the said Goods and Cattle so Distrained shall amount unto, together with his full Costs of Suite, and shall have Execution thereupon by Fieri facias, or Elegit, or otherwise, as the Law shall Require: And in Case such Plantiff shall be Nonsuite, after Connuzance or Avowry made, and Issue Joyned, or if the Verdict shall be given against such Plantiff, then the Jurors that are Impanelled or Returned to Inquire of such Issue shall at the Prayer of the Defendant Inquire concerning the Summ of the Arrears, and the Value of the Goods or Cattle Distrained; And thereupon the Avowant, or he that makes Cognizance shall have Judgment for such Arrearages, or so much thereof as the Goods or Cattle Distrained amount unto, together with full Costs, and shall have Execution for the same by Fieri facias, or Elegit, or otherwise, as the Law shall Require.

And be it further Enacted by the Authority aforesaid, That if Judgment in any of the Courts aforesaid, be given upon Demurrer for the Avowant, or him that makes Cognizance for any Rent; the Court shall at the Prayer of the Defendant Award a Writ to Inquire of the Value of such Distress, and upon the Return thereof Judgment shall be given for the Avowant, or

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him that makes Cognizance, as aforesaid; For the Arrears Alledged to be behind in such Avowry or Cognizance if the Goods or Cattle so Distrained shall amount to the Value; And in Case they shall not amount to that Value, then for so much as the said Goods or Cattle so Distrained amount unto, together with his full Costs of Suite, and shall have like Execution as aforesaid.

Provided always, and be it Enacted That in all Cases aforesaid, where the Value of the Cattle Distrained, as aforesaid, shall not be found to be to the Value of the Arrears Distrained for, that the Party to whom such Arrears were Due, his Executors or Administrators may from time to time Distrain again for the Residue of the said Arrears.

And whereas no Sheaves or Cocks of Corn, Loose, or in the Straw, or Hay, in any Barn or Grainary, or in any Hovell, Stack or Rick can by the Law be Distrained, or otherwise secured for Rent whereby Landlords are oftentimes Deceived by their Tenants, who Sell their Corn, Grain and Hay to Strangers, and Remove the same from the premises Chargable with such Rent, and thereby avoid the payment of the same.

Be it further Enacted by the Authority aforesaid, That for Remedying the said Practice and Deceit, it shall and may from henceforth be Lawful to, and for any Person or Persons, having Rent Arrear and Due upon any Demise, Lease, or Contract, to Seize and Secure any Sheaves or Cocks of Corn, or Corn Loose, or in the Straw, or Hay, lying or being in any Barn or Grainary, or upon any Hovell, Stack or Rick, or otherwise upon any part of the Land or Ground Charged with such Rent and to Lock up, or Distrain the same in the place where the same shall be found, for, or in the Nature of a Distress, untill the same shall be Re-

plevied upon good Security to be given to the Sheriff, as aforesaid, And in Case such Distress shall not be Replevied or owned within the space of Eight Days next after the taking thereof, then the same to be Appraised and Sold according to the Laws and Customs of this Kingdom.

Provided Nevertheless that such Corn, Grain, or Hay so Distrained, as aforesaid, be not Removed by the Person or Persons Distraining to the Damage of the Owner thereof, out of the place where the same shall be found and Seized, but be kept there as Impounded, untill the same shall be Replevied or Sold, as aforesaid: And in Case any Replevin shall be brought for such Sheaf or Sheaves of Corn or Grain, or Hay, if the Plaintiff in such Replevin shall be Nonsute, either before or after Appearance, or a-Verdict pass against him, or Judgment be given against him, upon Demurrer, as aforesaid, in all such Cases such Procedings to be by Inquisition or Fining of the Jury at the Bar upon like Suggestion to be made in the Conuzance or Avowry, and like Execution in such Cases to be Awarded.

And be it further Enacted by the Authority aforesaid, That upon any Pound, Breach, or of Goods and Chattles Distrained for Rent, the Person or Persons grieved thereby shall in a Special Action upon the Case for the Wrong thereby Sustained Recover his and their Treble Damages and Costs of Sute against the Offender or Offenders in any such Rescue or Pound, Breach, any, or any of them or against the Owners of the Goods Distrained in Case the same be afterwards found to have come to his Use or Possession.

An Act for Continuing the Statute of Additional Excise upon Beer, Ale and other Liquors

CHAP. XXIII

An Act for the better Regulating of Measures, in and throughout this Kingdom.

CHAP. XXIV.

FOR Prevention of the many and great Inconveniencies and Discouragements to Trade in this Kingdom, which proceed from the want of one Certain and Known Measure for all sorts of Grain to be Measured and Sold by, in and throughout this Kingdom.

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That one and the same Measure shall be Used in and throughout this Kingdom, and Every part thereof: And that the Measure and Measures to be henceforth Used in this Kingdom shall be and Contain as herein after is mentioned and Appointed, and no otherwise (that is to say) The Measure Called the Peck shall be and Contain Two Gallons, and no more. The Measure Called the Bushel shall be and Contain Eight Gallons, and no more. The Measure Called the Half Barrel shall be and Contain Sixteen Gallons, and no more. And the Barrel shall be and Contain Thirty Two Gallons, and no more. The said Gallon to Contain Two Hundred Seaventy Two Cubical Inches, and one forth part of a Cubical Inch according to the Gallon mentioned and Appointed in and by one Act of Parliament, made and Enacted in this Kingdom, in the Twelfth Year of the Reign of the Late Queen Elizabeth, of Blessed Memory.

And be it also Enacted that there shall be forthwith provided, at His Majesty's Charge, one Barrel,

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one half Barrel, one Bushel, one Peck, and one Gallon, according to the abovesaid Measure; which said Barrel, half Barrel, Bushel, Peck and Gallon shall be the Standards for the Measures in and throughout this Kingdom of Ireland: And that the said Standards being marked with the Crown, and Letters of His Majesties Name, shall be placed, and safely kept in His Majesties Exchequer of this Kingdom, in the Custody of the Lord Treasurer of this Realm, or of the Vice-Treasurer, his Deputy or Deputies for the time being.

And be it further Enacted, That in every County, Town, City, Liberty, Franchise, and Market-Town within this Realm shall be placed and Kept at the proper Costs and Charges of Each County, City Liberty, Franchize, and Market-town, Respectively, in the Custody of the Sheriff of such County, and of the Mayor, Bayliff, Soveraign, Seneschal, or Steward of any Liberty, or Manno, or other Chief Magistrate Residing in such City, or Market-Town, one Barrel, one half Barrel, one Bushel, one Peck, and one Gallon, according to the above Measures; which said Barrel, half Barrel, Bushel, Peck and Gallon shall be first Measured by the said Standards in the Exchequer and shall be severally Sealed, Branded or Marked on the Edge or Brim, with the Crown and Letters of His Majesties Name, and with such other Mark as the Lord high Treasurer of this Kingdom, or the Vice-Treasurer, his Deputy or Deputies, for the time being, shall think fit, and that for the Measuring Branding and Marking of Each such Measures the summ of Six-pence, and no more, shall be paid to the said Lord high-Treasurer, or the Vice-Treasurer, his Deputy or Deputies, for the time being, by the Person or Persons who shall bring the said Measures to be Measured, Branded or Marked;

which

which ſaid Barrels, half Barrels, Buſhels, Pecks and Gallons, in the Cuſtody of the ſaid Sheriffs, Mayors, Bayliffs, Soveraigns, Seneſchals, or Stewards of any Liberty, or Mannor, or other Head-Officers, being Meaſured or Marked by the ſaid Lord high Treaſurer, or the Vice-Treaſurer, his Deputy or Deputies, for the time being, ſhall be and Remain the Standards for ſuch County, City Liberty or Franchiſe, or Market-Town, Reſpectively.

And be it further Enacted, that the ſaid Sheriffs, Mayors, Bayliffs, Soveraigns, Seneſchals, or Steward of any Liberty, or Mannor, and other Officers in whoſe Cuſtody ſuch Standards are hereby Appointed to Remain, ſhall have full power to Meaſure and Compare all ſuch Barrels, half Barrels, Buſhels, Pecks, and Gallons, as ſhall be brought, or offered to them, or any of them to be Meaſured or Marked; And if upon Meaſuring the ſame, they or any of them ſhall find the ſaid Meaſure ſo brought or offered, Reſpectively, to be agreeable to, and to Contain Equal Quantities with the ſaid Meaſures Marked by the ſaid Lord high-Treaſurer, or Vice-Treaſurer, his ſaid Deputy or Deputies, for the time being, That then the ſaid Sheriffs, Mayors, Bayliffs, Soveraigns, Seneſchal, Steward, or other Chief Officers, or any of them, ſhall Mark, or brand the ſaid Meaſures ſo brought to them on the Rim or Edge of them, Reſpectively, with the Crown and Letters of his Majeſties Name; and alſo with a Mark or brand to be appointed by each County, City, Liberty or Franchiſe, or Market-Town, Reſpectively: And that for the Meaſuring and Marking of Each ſuch Meaſure, ſhall be paid by the Perſon or Perſons bringing or offering the ſaid Meaſure or Meaſures to be Sealed or Marked the ſum of Six pence, and no more.

And be it further Enacted by the Authority aforesaid, That from and after the Twenty Sixth Day of March, which will be in the Year of Our Lord, One Thousand, Six Hundred Ninety Six, no Measures shall be Used for Measuring any sort of Grain in this Kingdom, or in any part thereof, but such as shall be first Measured and Compared by the said Standards in the Exchequer, or by one of the said Standards Remaining in the Custody of such as hereby are Appointed to have the Custody of them in the Respective Counties, Cities, Liberties, Franchizes, and Market-Towns within this Kingdom, and shall be Branded and Marked, as aforesaid; And that whosoever after the said Twenty Sixth Day of March next, shall Sell or Measure any sort of Grain, Corn, Mault, or Oat-Meal, in any place or places whatsoever within this Kingdom, by any Measure or Measures Containing any Greater or Lesser Quantity then as aforesaid, or by any Barrel, half Barrel, Bushel, Peck or Gallon which hath not been Measured by, and is not of Equal Content with the said Standard in the Exchequer, or by and with the said Standards Remaining in the said Counties, Towns, Cities, Liberties, Franchizes, or Market-Towns, or some of them, or that hath not been Marked, as aforesaid, by some one in whose Custody the said Standards are by this Act Appointed to Remain, shall Forfeit for Every such Offence the summ of Ten Pounds, whereof the one Moyety shall be to the Poor of the Parish where such Offence, is or shall be Committed; and the other Moyety to the Informer, and that upon Information given upon Oath, or otherwise, to any Justice of the Peace of any County, Mayor, Bayliff, Soveraign, or other Chief Magistrate of any City, Liberty or Franchize, or Town Corporate, the said Seneschal, Justice

ſtice of the Peace, Franchiſe, Mayors, Bayliffs, Sovereign, Seneſchal, aforeſaid, or other Chief Magiſtrate to whom ſuch information is Given, ſhall immediately Iſſue his Warrant, Requiring the Party or Parties Complained of to appear before him; And if upon Examination it ſhall appear by the Oath or Oaths of one or more Credible Witneſſes to the ſaid Juſtice of Peace, Mayor, Bayliff, Sovereign, Seneſchal aforeſaid, or other Chief Magiſtrate; that the ſaid Party ſo Complained of, hath Sold, Delivered, or Received any ſort of Corn Grain, Malt or Oat-Meal, by any Barrel, half Barrel, or other Meaſure not Marked, Sealed or Branded by the Sheriff, Mayor, Sovereign, Seneſchal, or ſome other Perſon who hereby have Power, and are Appointed to make Seal, or Brand the ſame, That then the ſaid Juſtice, Mayor, Bayliffs Sovereign or other Chief Magiſtrate within his and their Reſpective Precincts, ſhall Iſſue a Warrant to the Conſtable of the Pariſh where ſuch Offender Reſides, Requiring him to Levy by Diſtreſs and Sale of the Goods of the Perſon ſo Offending the ſaid ſumm of Ten Pounds, whereof the one moyety ſhall be given to the Poor of the Pariſh, as aforeſaid, where ſuch Offender doth Reſide, and the other moyety to the ſaid Informer.

And be it further Enacted by the Authority aforeſaid, That if any Perſon, Who hereby hath power to Meaſure and Mark any Barrel, half Barrel, or other Meaſure brought to him, ſhall Mark, Seal, Brand, or allow any Barrel, half Barrel, or any other Meaſure which ſhall or doth Contain more or leſs, Reſpectively, then the ſaid Standards Remaining in his Cuſtody, the ſaid Perſon ſo Doing ſhall Forfeit for Every ſuch Barrel, half Barrel, or other Meaſure ſo Sealed Marked,

ked, Branded or Allowed by him, the summ of Fifty Pounds; The one Moyety to the King, and the other Moyety to the Use of him that will Sue for the same, to be Recovered by Action, Suite, Bill or Plaint, in any of his Majesty's Courts of Record, at Dublin, wherein no Essoyn, Protection or Wager of Law shall be Allowed, nor any more then one Imparlance.

And be it likewise Enacted, That every Barrel, half Barrel, and other Measure whatsoever of any sort of Corn, Grain, Vault or Oat-meal shall be Sold, Delibered and Received, Stricked without Heaps, and without pressing or shaking Down: And not in any other manner, upon pain of the Forfeiture of Five Pounds to him that will Sue for the same, to be Recovered by Action, Suite, Bill or Plaint, in any of his Majesty's Courts at Dublin, wherein no Essoyn, Protection, or Wager of Law shall be Allowed, or any more then one Imparlance.

An

An Act for the prevention of Vexations and Oppreſſions by Arreſts; And of Delays in Sutes of Law.

CHAP. XXV.

Whereas by the Laws of this Kingdom, in Caſe where any Perſon is Sued, Impleaded or Arreſted by any Writ, Bill or Proceſs Iſſuing out of any of his Majeſty's Courts of Record, at Dublin, in any Common Plea, at the Sute of any Common Perſon, The True Cauſe of Action ought to be ſet forth and Expreſſed in ſuch Writ, Bill or Proceſs, whereby the Defendant may have certain Knowledge of the Cauſe of the Sute; and the Officer who ſhall Execute ſuch Writ, Bill or Proceſs, may know how to take Security for the Appearance of the Defendant to the ſame, and the Sureties for ſuch Appearance may rightly underſtand for what Cauſe they become Engaged.

And whereas there is a great Complaint of the People of this Kingdom, that for Divers Years laſt paſt, very many of His Majeſty's Good Subjects have been Arreſted upon General Writs of Treſpaſs, Quare Clauſum Fregit, or other like Writs Iſſued out of the Courts of Kings-Bench, and Common-Pleas, not Expreſſing any Particular or Certain Cauſe of Action; and thereupon kept Priſoners for a long time for want of Bail, Bonds, with Sureties for Appearances, having been Demanded in ſo great

Summs, that few or none have Dared to be Security for the Appearance of such Persons so Arrested and Imprisoned; altho' in Truth there hath been little or no Cause of Action, and oftentimes there are no such Persons who are Named Plaintiffs; but those Arrests have been many times procured by Malicious Persons to Vex and Oppress the Defendants, and to force from them Unreasonable and Unjust Compositions for Obtaining their Liberty; and by such Evil Practices many Men have been and are Daily Undone, and Destroyed in their Estates, Without Possibility of having Reparation, the Actors Imployed in such Practices having been (for the most part) Poor and Lurking Persons, and their Actings secret, that it hath been found very Difficult to make True Discoveries on proof thereof.

For Remedy and prevention of which so great growing Evils and Mischiefs; And also for Discouraging all Frivolous and Unjust Sutes and Causeless Arrests for the Future.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twelfth Day of December next, no Person or Persons who shall happen to be Arrested by any Sheriff, Under-Sheriff, Coroner, Steward or Bayliff of any Franchise or Liberty, or by any other Officer, Minister, Under-Bayliff, or any other Person or Persons Whatsoever Within this Realm, having or pretending to have Authority or Warrant in that behalf, by force

or

or Colour of any Writ, Bill, or Proceſs, Iſſuing, or to be Iſſuing out of His Majeſty's ſaid Court of King's-Bench and Common-Pleas, or either of them, or other Court of Juſtice, in which ſaid Writ, Bill, or Proceſs, or at the Foot thereof, the Certainty or true Cauſe of Action is not Expreſſed, Marked, or Set down particularly; and for which the Defendant or Defendants in ſuch Writ, Bill, or Proceſs Named, is, and are Bailable by the Statute in that behalf, made in the Three and Twentieth year of the Reign of the Late King Henry the Sixth, ſhall be Forced or Compelled to give Security, or to Enter into Bond with Sureties for the Appearances of ſuch perſon or perſons ſo Arreſted, at the day and place in the ſaid Writ, Bill or Proceſs, on the Foot thereof Specified or Contained in any Penalty or Summ of Money exceeding the Summ of Forty Pounds of Lawful Money of England, to be Conditioned for ſuch Appearances. And that all Sheriffs and other Officers and Miniſters aforeſaid, ſhall let to Bail, and Deliver out of Priſon, and from their, and every of their Cuſtodies, reſpectively, all and every perſon or perſons Whatſoever, by them, or any of them Arreſted upon any ſuch Writ, Bill, or Proceſs, Wherein the certainty and true Cauſe of Action, is not particularly Expreſſed, as aforeſaid, upon Security in the ſumm of Forty pounds, and no more, given for Appearance of ſuch perſon or perſons ſo Arreſted, unto the ſaid Sheriff or Officer aforeſaid according to the ſaid Statute in the ſaid Three and Twentieth year of the Reign of the ſaid King Henry the Sixth, in that behalf made and provided.

And

And be it further Enacted by the Authority aforesaid, That upon Appearance to be Entred in the Term wherein such Writ, Bill, or Process, is Returnable with the respective Officer in that behalf, for the said person or persons, by Attorney or Attorneys, in the said respective Courts, from whence the said Writ, Bill, or Process Issued into such Writ, Bill, or Process, the Bond or Bonds so given for Appearance thereunto, be, and are hereby Satisfied and Discharged; And that after such Appearance so Entred, no Amercement be Set or Estreated upon, or against any Sheriff, or other Officer aforesaid; or any other person whatsoever, Concerning the Want of such Appearance: And unless the Plantiff or Plantiffs in any such Writ, Bill, or Process Named, shall put into the Court from whence such Writ, Bill, or Process did Issue, his or their Bill, or Declaration against the person or persons so Arrested in some personal Action (Ejectione firmæ) of Lands and Tenements, before the End of the Term next following for Appearance; that then a Non-suite for Want of a Declaration, may be Entred against the said Plantiff or Plantiffs in the said Courts, respectively: And that every Defendant in every such Writ, Bill or Process Named, shall or may have Judgment to Recover Costs against every such Plantiff or Plantiffs, to be Assessed, Tared, and Levied in such manner, and according as it is provided by the Statute for Costs made in the Three and Twentieth Year of the Reign of the Late King Henry the Eighth, any former, or other Act, Statute, Ordinance, Law, Custom, Order, Course or Usage

age of either of the ſaid Courts, to the contrary thereof heretofore had, made, admitted, or uſed in any wiſe notwithſtanding.

Provided always, That this Act, nor any Clauſe or Thing herein before Specified or Contained, ſhall not Extend, or be Conſtrued or Taken to Extend unto any Arreſts hereafter to be made upon, or by Vertue of any Writ of Capias Ut lagatum, Attachment upon Reſcous, or Attachment upon any Contempt, or of any Attachment of Priviledge, at the Sute of any Priviledged perſon, or of any other Attachment for Contempt whatſoever, Iſſuing, or to be Iſſuing out of either of the ſaid Courts, although there be no particular certainty of the Cauſe of Action Expreſſed or Contained in the ſaid Writs; but that nevertheleſs no Sheriff or Under-Sheriff, nor any of the Officers or Miniſters aforeſaid, ſhall Diſcharge any perſon or perſons taken upon any Writ of Capias Ut lagatum, out of Cuſtody without a Lawful Superſedeas, firſt had and Received for the ſame, and that upon the ſaid Writs of Attachment ſuch Lawful Courſe be taken for Security for Appearance therein, as hath bæn heretofore Uſed, any thing herein before Expreſſed to the contrary thereof in any wiſe notwithſtanding.

And Whereas many perſons out of ill Intent to Delay their Creditors from Recovering their Juſt Debts, continue Priſoners, Who cannot be proceeded againſt in ſuch manner as they might be, if they were at Large. Now for the better Enabling all and every perſon or perſons, to Recover their Juſt Debts and Demands againſt ſuch Priſoners.

Be it further Enacted by the Authority aforesaid, That every person or persons whatsoever, who now hath, or have, or which at any time hereafter shall have Cause of any personal Action against any person, being a Prisoner in Prison, may Sue forth any Original Writ upon his or their Cause of Action: And that a Writ of Habeas Corpus be granted to every such person or persons being Plantiff or Plantiffs, desiring the same to be Directed to the Goaler, or Keeper of the same Prison, to have the Body of such Prisoners before any his Majesty's Justices of the Kings-Bench, or Common-Pleas, at some certain Day in any Term, to Answer the said Plantiff or Plantiffs, upon his or their said Cause of Action; And that if the said Plantiff or Plantiffs at the said Day, put into the said Court his or their Declaration, according to the said Original Writ against the said Prisoner, being present at the Bar, the said person shall be bound to appear in person, or to put in an Attorney to appear for him in the said Action, and unless the said Defendant plead upon a Rule given to be out at the Eight Days at the least, after such Appearance, Judgment by Nihil dicit may be Entred against such Defendants as Appearing in person. Which shall be Good and Effectual in Law: And such Charge in Court by Declarations signified by Rule unto the Goaler or Keeper, shall be a Good Cause of Detension of such Prisoner in his Custody, from which he shall not be Discharged without a Lawful Supersedeas, or Rule of Court: And if the said Goaler or Keeper shall do otherwise, he shall be Responsible to the Court, and to the Party grieved

grieved for Damages, by Action upon the Caſe, to be brought againſt him for Diſcharging ſuch Priſoner.

And whereas very many Sutes Commenced by Original Writs have been Protracted and long Delayed from Judgment and Execution, by Reaſon of the Neceſſity of having Fifteen Days, at the leaſt, between the Days of the Teſte, and the Days of the Return of Writs now Uſed in perſonal Actions, and alſo in Actions of Ejectione firme, for Lands and Tenements. For Remedy whereof; and for the more Eaſy Expediting Tryals, and the better and more ſpeedy Executing Judgments for the time to come.

Be it further Enacted by the Authority aforeſaid, That in all Actions of Debt, and all other perſonal Actions whatſoever; And alſo in Actions of Ejectione firme, for Lands or Tenements, now Depending, or which at any time hereafter ſhall be Depending in either of his Majeſty's Courts aforeſaid, after any Iſſue therein Joyned, to be Tryed by a Jury, and alſo after any Judgment had or obtained, or to be had or obtained in any the Courts aforeſaid in any ſuch Action, as aforeſaid, there ſhall not need to be Fifteen Days between the Teſte and Day of Return of any Writ or Writs of Venire facias, Habeas Corpora Jurator, or Diſtringas Jurator, Writs of Fieri facias, or Writs of Capias ad Satisfaciendum, and that the want of Fifteen Day between the Teſt Day, and the Day of the Return of any ſuch Writ, ſhall not be, nor ſhall be Aſſigned, Taken, or Adjudged to be any Matter or Cauſe of Error; Any Law, Cuſtom,

ſtom Statute, Courſe or Uſage to the Contrā-ry thereof, in any wiſe Notwithſtanding.

Provided Nevertheleſs that this Act, nor any thing therein Contained ſhall not Extend, or be Conſtrued to Extend to any Writ of Capias ad ſatisfaciend. Whereon a Writ of Exigent after Judgment is to be Awarded, nor to Capias ad ſatisfaciend. againſt the Defendant, in Order to make any Bail Lyable, but that the ſame Con-tinue and be as if this Act had never been made.

And Whereas by an Act of Parliament made in this Kingdom in the Tenth Year of the Reign of our late Sovereign Lord King Charles the Firſt, of Bleſſed Memory, a very good Law was made for avoiding Unneceſſary Delays of Exe-cution, whereby it is Enacted, That no Execu-tion ſhall be Stayed or Delayed upon, or by any Writ of Error, or Superſedeas thereupon, to be Sued for the Reverſing of any Judgment to be given in any Action or Bill of Debt, upon any ſingle Bond for Debt, or upon any Obli-gation, with Condition for payment of Money only, or upon any Action or Bill of Debt for Rent, or upon any Contract Sued in any of His Majeſty's Courts of Record at Dublin; un-leſs ſuch perſon or perſons in Whoſe name or names ſuch Writ of Error ſhall be brought with two ſufficient Sureties, ſuch as the Court wherein ſuch Judgment is or ſhall be given ſhall allow of, ſhall firſt before ſuch Stay made or Superſedeas to be awarded, be bound to the party to whom any ſuch Judgment was or ſhould be given by Recognizance to be acknow-ledged in the ſame Court, in double the Summ adjudged, to be recovered by the ſaid former Judgment,

Judgment, to prosecute the said Writ of Error with Effect, and also to satisfy and pay (if the said Judgment shall be affirmed) all and singular the Debts, Damages and Costs adjudged, or to be adjudged upon the former Judgment, and all Costs and Damages to be also awarded for the same Delaying of Execution, which Law hath been found by experience to be very good and beneficial to the Common-Wealth. And forasmuch as divers other Causes wherein the same Mischief by Delays and Staying of Execution by Writs of Error and Supersedeas thereupon are not Provided for, by the Statute in the several Actions hereafter Specified.

Be it further Enacted, That the said Recited Act be of Force in this Kingdom. And be it further Enacted and Ordained, by the Authority aforesaid, That from and after the Twentieth Day of December next no Execution shall be Stayed in any of His Majesty's Four Courts, or in the County Palatine of Tipperary, by any Writ or Writs of Error or Supersedeas thereupon, after any Verdict and Judgment thereupon obtained in any Action of Debt, or in any Action upon the Case, upon any Promise for the payment of Money, Actions Sur Trover, Actions of Covenant, Detinue and Trespass, unless such Recognizance, and in such manner as by the said Recited former Act is Directed, shall be first Acknowledged in the said Court where such Judgment is given.

And be it also Enacted by the Authority aforesaid, That if any Person or Persons after the said Day shall Sue or Prosecute any Writ or Writs of Error for the Reversal of any Judgment whatsoever given after any Verdict in

any the Courts aforesaid; and the said Judgment shall afterwards be affirmed, then every such Person or Persons shall Pay unto the Defendant or Defendants in the said Writ or Writs of Error, his or their Double Costs, to be Assessed by the Court where such Writ of Error shall be Depending, for the Delaying of Execution.

Provided Nevertheless that this Act, nor any Thing therein Contained, shall not Extend to any Action Popular, nor unto any other Action which is, or hereafter shall be brought upon any Penal Law, or Statute, nor to any Indictment, Presentment, Inquisition, Information or Appeal, any thing herein before Expressed to the Contrary thereof notwithstanding.

FINIS.

An Act for Baniſhing all *Papiſts* exerciſing any Eccleſiaſtical Juriſdiction, and all Regulars of the *Popiſh Clergy* out of this Kingdom.

CHAP. XXVI.

WHEREAS, it is Notoriouſly known, That the late Rebellions in this Kingdom have been Contrived, Promoted and Carried on by Popiſh Arch-Biſhops, Biſhops Jeſuits, and other Eccleſiaſtical Perſons of the Romiſh Clergy. And foraſmuch as the Peace and Publick Safety of this Kingdom is in Danger, by the great number of the ſaid Arch-Biſhops, Biſhops, Jeſuits, Friers and other Regular Romiſh Clergy, now reſiding here, and ſettling in Fraternities and Societies, contrary to Law, and to the great Impoveriſhing of many of His Majeſty's Subjects of this Kingdom, who are forced to maintain and ſupport them; which ſaid Romiſh Clergy do, not only endeavour to withdraw His Majeſty's Subjects from their Obedience, but do daily ſtir up, and move Sedition, and Rebellion, to the great hazard of the Ruine and Deſolation of this Kingdom. For the prevention of all which Miſchiefs, His Majeſty is Graciouſly Pleaſed that it be Enacted.

And be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That all Popiſh Arch-Biſhops, Biſhops, Vicars-General, Deans, Jeſuits, Monks, Friers, and all other Regular Popiſh Clergy, and all Papiſts exerciſing

any the Courts aforesaid; and the said Judgment shall afterwards be affirmed, then every such Person or Persons shall Pay unto the Defendant or Defendants in the said Writ or Writs of Error, his or their Double Costs, to be Assessed by the Court where such Writ of Error shall be Depending, for the Delaying of Execution.

Provided Nevertheless that this Act, nor any Thing therein Contained, shall not Extend to any Action Popular, nor unto any other Action which is, or hereafter shall be brought upon any Penal Law, or Statute, nor to any Indictment, Presentment, Inquisition, Information or Appeal, any thing herein before Expressed to the Contrary thereof notwithstanding.

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And be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That all Popiſh Arch-Biſhops, Biſhops, Vicars-General, Deans, Jeſuits, Monks, Friers, and all other Regular Popiſh Clergy, and all Papiſts exerciſing

any Eccleſiaſtical Juriſdiction, ſhall depart out of this Kingdom before the Firſt day of May, which ſhall be in the Year of Our Lord, One thouſand, Six hundred, Ninety eight: And if any of the ſaid Eccleſiaſtical Perſons, ſhall be at any time after the ſaid Firſt day of May, within this Kingdom, they and every of them ſhall ſuffer Impriſonment, and remain in Priſon, without Bail or Mainprize, till he or they ſhall be Tranſported beyond Seas, out of His Majeſty's Dominions, wherever His Majeſty, His Heirs or Succeſſors, or the chief Governor or Governors of this Kingdom, for the time being, ſhall think fit: And if any perſon ſo Tranſported, ſhall return again into this Kingdom, they, and every of them, ſhall be Guilty of High-Treaſon; and every perſon ſo Offending, ſhall for his Offence, be adjudged a Traytor, and ſhall ſuffer, loſe and forfeit as in Caſe of High-Treaſon.

And be it further Enacted by the Authority aforeſaid, That all and every ſuch Popiſh Arch-Biſhops, Biſhops, Dean, Vicars-General, Jeſuits, Friers, and all other Popiſh Regular Clergy in this Kingdom, ſhall before the ſaid Firſt day of May, repair to the City of Dublin, Cork, Kingſale, Youghal, Waterford Wexford Gallway, or Carrickfergus, and there remain, untill there ſhall be Conveniency of Shipping, for their Tranſportation into ſome Parts beyond Seas, and out of His Majeſty's Dominions, every of them on their firſt comming into any of the ſaid Cities and Towns, giving in their Names to the Mayor, or other Chief Magiſtrate, who is hereby required to Regiſter the ſame, and return an Account thereof to the Clerk of the Council, within Ten Days; and that the ſaid Mayor, or other Chief Magiſtrate of each Town, and

alſo

alſo the Collector and Surveyor of the Port, ſhall give their beſt Aſſiſtance in Tranſporting every ſuch Popiſh Arch-Biſhop, Biſhop, and other Popiſh Regular Clergy man.

And be it further Enacted by the Authority aforeſaid, That from and after the Twenty Ninth day of December, which ſhall be in the Year of our Lord God, One thouſand, Six hundred, and Ninety ſeaven, no Popiſh Arch-Biſhop, Biſhop, Vicar General, Dean, nor any other Papiſt exerciſing any Eccleſiaſtical Juriſdiction, not Eſtabliſhed by the Laws of this Kingdom, Jeſuite, or Frier, ſhall come into this Kingdom, from any parts beyond the Seas, on pain of Twelve Monthſ Impriſonment, and then to be Tranſported, in manner aforeſaid: And if any ſuch Romiſh Eccleſiaſtical Perſon, ſo Tranſported, ſhall again return into this Kingdom, he and they ſo offending, ſhall be Guilty of High-Treaſon, and Suffer accordingly.

And be it further Enacted, That any perſon that ſhall from and after the ſaid Firſt day of May, knowingly harbour, relieve, conceal, or entertain any ſuch Popiſh Arch-Biſhop, Biſhop, Vicar-General, Dean, Jeſuite, Frier, or any other Papiſt exerciſing any Eccleſiaſtical Juriſdiction, not Eſtabliſhed by the Laws of this Kingdom, or any Regular Popiſh Clergy-men, hereby required to depart out of this Kingdom, in manner aforeſaid, or that from and after the ſaid Twenty ninth day of December, One thouſand Six hundred Ninety ſeaven, ſhall come into this Kingdom, contrary to the Tenor of this Act, ſhall for the Firſt Offence, forfeit the Summ of Twenty pounds; for the Second Offence, double the ſaid Summ, to be Levyed in manner herein-after expreſſed: And if he ſhall Offend the

Third

Third time, to forfeit all his Lands and Tenements of Freehold or Inheritance, during his Life, and also all his Goods and Chattels; One Moyety whereof to his Majesty, his Heirs and Successors, the other Moyety, to such Person as shall Inform, so as such Moyety do not exceed the Summ of One Hundred pounds, and the Surplus of what shall remain to his Majesty, his Heirs and Successors, the said Forfeiture for such third Offence, to be Recovered by Bill, Plaint, or Information, or Action of Debt, in any his Majesty's Courts of Record at Dublin, or at the Assizes in the respective Counties.

And be it Enacted by the Authority aforesaid, That upon Information on Oath, to any Justice of Peace in his respective County, against any person or persons, that shall knowingly Entertain, Succour, Relieve or Conceal any such Popish Archbishop, Bishop, Jesuite, Frier, or other Ecclesiastical Popish person, contrary to the purport and meaning of this Act; the said Justice of the Peace, shall immediately Issue a Summons in Writing under his Hand, thereby requiring the person and persons so Informed against, at a certain Day and Place within the said County, where such Offence shall be Committed, to appear before him, and some other Justice of the Peace of the said County to Answer the said Matter laid to his, or their Charge; at which time and place the said Justices shall in presence of the person or persons Accused, or in Case of his or their Neglect to appear, being duly Summoned, proceed to the Examination of the said Matter; and if it shall appear to them, on Evidence upon Oath, that the person or persons so Complained of are Guilty, the said Justices shall by Warrant under their Hands and Seals,

Seals, Levy the aforesaid Forfeitures of Twenty pounds for the first Offence, and Forty pounds for the second Offence, of the Goods and Chattels of the person or persons Offending, by Distress, Sale or otherwise, and dispose of one Moyety of such Forfeitures to the Informer or Informers, and the other Moyety to the Treasurer of the County where such Offence shall be Committed, for the Use of the County; and for Default thereof, to Commit the person Offending to the County Goal, there to remain without Bail or Mainprize, until he or they shall pay the said Forfeitures and Penalties.

And be it further Enacted, That no person whatsoever, shall from and after the said Twenty Ninth Day of December, Bury any Dead in any suppress Monastry, Abby, or Convent, that is not made use of for Celebrating Divine Service, according to the Liturgy of the Church of Ireland, by the Law Established, or within the Precincts thereof, upon Pain of Forfeiting the Summ of Ten pounds; which said Summ of Ten pounds, shall, and may be Recovered from any Person or Persons, that shall be present at such Burial, and Offending contrary to the Tenor of this Act; which said Forfeitures, all and every Justices of the Peace, in his, and their respective Counties, are hereby Authorized, to Hear and Determine in manner as herein before is mentioned and declared; one Moyety of which said last Forfeiture for Burying contrary to this Act, shall be by such Justice giving unto the Informer, and the other Moyety to the Minister and Church-wardens of the Parish, where any such Offences shall be Commited, to be disposed of for the Use of the Parish.

Provided always, that if any person or persons

shall think him, or themselves agrieved, by the Judgment and Determination of such Two Justices of the Peace, that the person and persons so agrieved, may Appeal from their Judgment and Determination, to the next Judges of Assize, or to the Justices of Peace, at the next General Quarter-Sessions, who are hereby Impowered to Examine the said Matter, and give such Relief therein, as to them shall seem meet.

And it is further Enacted, That all and every Justice of the Peace, shall from time to time Issue their Warrants for Apprehending, and Committal of all Popish Arch-Bishops, Bishops, Jesuits, Friers and other Popish Ecclesiastical persons whatsoever that shall remain or Continue in this Kingdom, contrary to the Tenor and meaning of this Act: And for Suppressing all Monasteries, Friaries, Nunneries, or other Popish Fraternities or Societies.

And be it further Enacted by the Authority aforesaid, That all and every the Justices of the Peace in this Kingdom, shall give an accompt in Writing, of their proceedings in Execution of this Statute, at the next General Quarter-Sessions for the County, in which he shall Dwell, which shall be at such Quarter-Sessions Entered and Registred.

And be it further Enacted, That if any Justice of the Peace, Mayor, or other Officer shall neglect doing their Duty in Execution of this present Act, every such Justice of the Peace, Mayor, and other Officer, shall for every such neglect, forfeit the Summ of One Hundred Pounds, to be Recovered by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Essoyn, or Wager of Law shall be allowed of, nor but one Imparlance; one Moyety thereof to the King's Majesty, his Heirs and Successors, the other Moyety to the Informer, or Person that shall Sue for the same, and be Disabled from serving as a Justice of Peace, during his Life.

An

An ACT for the Confirmation of Articles, made at the Surrender of the City of *Limerick*.

CHAP. XXVII.

WHEREAS divers Doubts have arisen, on the Articles made at the Treaty for the late Surrender of the City of Limerick, the Third Day of October, One thousand Six hundred Ninety one, and concerning the true intent and meaning of several Parts thereof.

And whereas Your Majesty hath been Graciously pleased to Recommend to Your Parliament, that the said Articles, or so much of them as may consist with the Safety and Welfare of Your Majesty's Subjects of this Kingdom, may be Confirmed by Authority of this present Parliament.

We the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, having due regard to Your Majesty's Honour, for Declaring the true Sense and Meaning of the said Articles, and taking away all occasions of Doubt for the time to come, do most humbly beseech Your Majesty, that it may be Enacted,

And be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent

Conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame; that the Second Article in the aforeſaid Articles mentioned, be, and is hereby Confirmed and Ratified, in the Senſe and Intendment following, and no otherwiſe (that is to ſay) That all the Inhabitants, or Reſidents of Limerick, or any other Garriſon in the Poſſeſſion of the Iriſh, at the time of making the ſaid Articles; and all Officers and Soldiers then in Arms, under any Commiſſion of the late King James, or thoſe Authorized by him to Grant the ſame, in the ſeveral Counties of Limerick, Clare, Kerry, Cork and Mayo, and all the Commiſſioned Officers in the Quarters of His Majeſty, that belonged to the Iriſh Regiments then in being, that were Treated With, and Who were not Priſoners of War, nor had at any time before that time Enjoyed the Benefit of Protections for Safety of themſelves, or their Goods and Families; Which ſaid Officers have in purſuance of the ſaid Articles, Returned to Their Obedience, and Submitted to His Majeſty, and to Her late Majeſty Queen Mary: Such Inhabitants, or Reſidents of Limerick, or any other Garriſon, as aforeſaid; ſuch Officers and Soldiers reſpectively, as aforeſaid, and their, and every of their Heirs, ſhall Hold, Poſſeſs and Enjoy, all and every their Eſtates of Free-hold and Inheritance, and all the Rights, Titles, and Intereſts, Priviledges, and Immunities to the ſaid Eſtates of Free-hold and Inheritance belonging, Which they, and every, or any of them Held, Enjoyed, or Were Rightfully and Lawfully Intituled to, in the Reign of King

Charles

Charles the Second, or at any time since, by the Laws and Statutes that were in Force in the said Reign of King Charles the Second, and such Possession as was given the said Inhabitants, Officers and Soldiers, in whose behalf the said Articles were, as aforesaid made, of Lands then in His Majesty's Hands, or in the Hands of His Tenants, by Order of the then Government under his Majesty, is as to the Possession only, and no more, Confirmed and Ratified by the Authority of this Act, against His Majesty, His Heirs and Successors, and all such Estates of Free-hold and Inheritance shall be Freed and Discharged; and by the Authority of this present Act, are Declared and Enacted, to be, and stand Freed and Discharged of, and from all Arrears of Crown-Rents, Quit-Rents, and other Publick Charges, Incurred, or become Due, from, and after the Feast of Saint Michael the Arch-Angel, in the Year of our Lord, One thousand Six hundred Eighty eight, to the Day of the Date of the said Articles.

Provided always, and be it Enacted by the Authority aforesaid, That this Act, or any thing therein contained, shall not Extend, or be Construed to Extend to a Grant of any new Right to the aforesaid Persons, in Whose behalf the aforesaid Articles were made, or any of them; but that the same shall Extend, and be Construed to Extend to the Restoring the said Persons, and every of them, to their said Estates of Free-hold and Inheritance, against His Majesty, His Heirs and Successors, in as large and ample manner as they should have Enjoyed the same, had they not been Guilty of the Rebellion, aforesaid, and not otherwise, or in any other man-

ner; neither shall this Act Extend, or be construed to Extend, to alter or avoid the Possession of any such Lands, Tenements, or Hereditaments, as have been Recovered or Gained by any other of His Majesty's Subjects, from, or against the said persons in Whose behalf the said Articles were made, or any of them, at any time since the Date of the said Articles, any thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That all and every person and persons Comprehended in the said Second Article, in the said Articles mentioned, shall have, hold and enjoy, all his and their Goods, and Chattels, Real and Personal, to them or any of them, at the time of making the said Articles, belonging, and which then, or at that time remained either in their own Hands, or in the Hands of any other person or persons whatsoever in Trust for them, or for the Use of them, or any of them; and the said Goods and Chattels, Real and Personal, as aforesaid, shall have, hold and enjoy against His Majesty, His Heirs and Successors: And as for, and concerning all other the Goods and Chattels, Real and Personal, which formerly did belong to, or were the Propriety of any of the said persons Comprehended within the said Articles, as aforesaid, at any time before the Date of the said Articles, which said Goods and Chattels, Real and Personal, had been at any time since the Tenth day of April, One thousand Six hundred Eighty nine, and before the Date of the said Articles, Seized, Sequestred, or by any manner of way taken to the use of His Majesty, and Her said late Majesty the Queen, by any Sheriff, Escheator,

Eſcheator, Commiſſioner, Officer, Civil or Military, their Miniſters or Servants, or any other perſon or perſons whatſoever; and all other the Goods and Chattels of the ſaid perſons, which were not in their own poſſeſſion, or in the poſſeſſion of any perſon or perſons, as aforeſaid, in Truſt for them, at the Day of the making the ſaid Articles, the ſame by the Authority of this Act, ſhall be Deemed, Veſted and Adjudged to be in the actual and real poſſeſſion of His Majeſty, without any Officer or Inquiſition thereof hereafter to be found or taken.

Saving to all and every perſon and perſons, Bodies Politick and Corporate, and to their Succeſſors, Executors, Adminiſtrators and Aſſigns, and to the Succeſſors, Executors, Adminiſtrators, and Aſſigns of every of them, other then the ſaid perſons in whoſe behalf the ſaid Articles were made, and their Executors, Adminiſtrators and Aſſigns, Claiming any thing in the ſaid Goods and Chattels, Real and Perſonal or any part thereof, as Executors, Adminiſtrators, or Aſſigns of the ſaid perſons, in whoſe behalf the ſaid Articles were made, or any of them, and all and every other perſon or perſons Claiming, or having any thing in the ſaid Goods and Chattels, Real or Perſonal, as aforeſaid, Seized, Sequeſtred, or by any manner of way taken to the uſe of His Majeſty, as aforeſaid, to the uſe of the Perſons in whoſe behalf the ſaid Articles were made, or any of them, or to the uſe of any of their Executors and Adminiſtrators; all ſuch Right, Title, Intereſt, Poſſeſſion, Uſe, Action and Means to recover the ſame, whatſoever, which they or any of them had, or ought to have, in the Premiſes, or any part thereof,

thereof, against the said persons, in Whose behalf the said Articles were made, or any of them, in as large and ample manner to all intents and purposes, as if this Act had never bèen had or made, or any thing herein contained to the contrary notwithstanding.

Provided always, That this Act, or any thing therein contained, shall not extend to avoid any Grant or Grants at any time heretofore made by His Majesty, and the late Queen (of blessed Memory) or by His Majesty of any such Goods and Chattels, Real or Personal, hereby intended to be Vested in His Majesty, as aforesaid, but that such Grant and Grants respectively shall be and remain in such Force and Effect, as if this Act had not bèen made.

Provided always, and be it Enacted by the Authority aforesaid, That no person or persons shall be construed, to be restored within the Intent and Meaning of the said Articles, or of this Act, who at the time of their hearing their respective Claims to the Benefit of the said Articles, shall neglect or refuse to take the Oaths of Fidelity to His Majesty, mentioned in the said Articles; nor to restore such Who at the time of making of the said Articles, was, or were out of the Kingdom of Ireland,

Except such persons as are Comprized in the Fourth Article of the said Articles, made for the late Surrender of Limerick, Which said persons, in the said Fourth Article Comprized, shall have the Benefit of the said Second Article, in such manner and form as in and by this Act is, as aforesaid, Declared, and no otherwise.

Provided the said persons in the said Fourth Article, named, respectively did return hither within

within the ſpace of Eight Months, from the Date of the ſaid Articles, and have within that time Submitted to the Government of his Majeſty, and her late Majeſty the late Queen; and alſo within that time taken the Oath of Allegiance to his Majeſty, and her late Majeſty the Queen.

Be it further Enacted by the Authority aforeſaid that all Merchants, or reputed Merchants, Inhabitants of the Town of *Limerick*, or of any other Gariſon which at the time of making the ſaid Articles, was poſſeſſed by the Iriſh, or of any Town or Place in the Counties of Clare or Kerry, who were abſent beyond the Seas, and that have not been in Arms ſince the Declaration made by his Majeſty, and her late Majeſty Queen Mary, in February, One thouſand Six hundred Eighty eight, ſhall have the Benefit of the Second Article, in manner and form aforeſaid, Declared, in as large and ample manner, as if ſuch Merchants, or reputed Merchants, had been preſent at the making of the ſaid Articles.

Provided ſuch Merchants, or reputed Merchants, did repair into this Kingdom within the ſpace of Eight months from the Date of the ſaid Articles, and ſubmitted himſelf, or themſelves to his Majeſty, and her late Majeſty's Government.

And be it Enacted by the Authority aforeſaid, That all and ſingular the perſons already Adjudged, or that ſhall hereafter be Adjudged to have been Compriſed within the Second and Third Articles, of the aforeſaid Articles of *Limerick*, ſhall from henceforth be deemed and taken to be, as to any Proſecution, in the Name and Behalf of his Majeſty, and of her late Majeſty,

or in the Name and behalf of his Majesty, his Heirs and Successors, fully and absolutely Pardoned by the Authority of this Act, of all Attainders or Out-Lawries in this Kingdom, had or done, for all Treasons, Misprisions of Treasons, Præmunires, Felonies, Trespasses and other Crimes or Misdemeanors whatsoever, by them, or any of them, committed or done since the begining of the Reign of the late King James, to the Third day of October One thousand Six hundred Ninety one.

And be it further Enacted by the Authority aforesaid That from and after the Expiration of Two Years, to be computed from the First Day of September One thousand Six hundred Ninety seaven, no person or persons whatsoever, shall be Adjudged, Deemed, or taken to be Intituled to or have the Benefit of the said Articles, who shall not be adjudged within that time to be Comprehended therein.

And whereas some Questions or Doubts have arisen, for, and concerning the time of the begining of the Rebellion, or War, in this Kingdom, Be it Enacted by the Authority aforesaid, That the said Rebellion, or War, is hereby Declared to have begun upon the Tenth Day of April, One thousand Six hundred Eighty nine, the same being the Day limitted to the said Rebells and Traytors by his Majesty, and her late Majesty's Declaration, in February One thousand Six hundred Eighty eight, for the said Rebells and Traytors laying down of their Arms, and accepting of Their said Majesties Grace and Mercy, on the Terms in the said Declaration proposed.

And that no person or persons whatsoever, already

already adjudged, or that shall be hereafter adjudged, to be Comprehended in the foregoing Articles, shall be Sued, Molested, or Impleaded at to the Sute of any Party or Parties Whatsoever, for any Trespasses by the said persons, as aforesaid Comprized, committed or done any time since the said Tenth of April One thousand Six hundred Eighty nine, and before the Date of the said Articles, for any Arms, Horses, Money, Goods, Chattels, Merchandises, or Provisions Whatsoever, by them seized or taken at any time after the said Tenth Day of April One thousand Six hundred Eighty nine, and before the Date of the said Articles; and no person or persons whatsoever, in the Second or Third Articles Comprized, shall be Sued, Impleaded, or made accountable for the Rents or Mesne-rates of any Lands, Tenements, or Houses by him or them received or enjoyed in this Kingdom, since the said Tenth Day of April One thousand Six hundred Eighty nine, to the Day of the Date of the said Articles, nor for any Waste or Trespass, by him or them committed in any such Lands, Tenements or Houses, since the said Tenth Day of April One thousand Six hundred Eighty nine, and before the Date of the said Articles.

And Whereas it is necessary that a time be limitted for the bringing of the said private Actions, for, or on account of such Wrongs, Injuries and Tresposses, as aforesaid, committed or done by any person or persons Comprehended, or Claiming the Benefit of the said Articles since the said Fifth Day of November One thousand Six hundred Eighty eight, to the said Tenth Day of April One thousand Six hundred Eighty nine.

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Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to, and for such person and persons as have had any Wrongs, Injuries and Trespasses committed upon them, by any of the persons aforesaid, since the said Fifth Day of November One thousand Six hundred Eighty eight, and before the said Tenth Day of April One thousand Six hundred Eighty nine, to commence his or their Action or Actions against such Trespasser or Trespassers, Wrong-doer or Wrong-doers, at any time within the space of One Year to be accounted from the said First Day of September One thousand Six hundred Ninety seaven, and at no other time or times after the expiration of the said Year, any Law or Statutes to the contrary notwithstanding,

An

An ACT to Prevent Protestants Inter-Marrying with Papists.

CHAP. XXVIII.

WHEREAS many Protestant Maidens and Women, as well such as be Heirs Apparent to their Ancestors, as others, having left unto them by their Father, or other Ancestor or Friends, Manors, Lands, Tenements, and Hereditaments, or other great Substances in Goods or Chattels, Real or Personal, for their Advancement in Marriage; or having had considerable Estates for life, by Dower or Jointure, or having had the Tuition or Guardianship of Protestant Children Intituled to such Estates, or Interests, as aforesaid, by Flattery and other Crafty Insinuations of Popish Persons, have been Seduced and Prevailed upon, to Contract Matrimony with, and take to Husband, Papist or Popish Persons; which Marriages have not only Tended to the Ruine and Destruction of such Estates and Interests, and to the great Loss and Damage of many Protestant Persons, to whom the same might Descend or Come, but as well to the Corrupting and Perverting such Protestants so Marrying, and the Protestant Persons in their Tuition and Guardianship, as aforesaid, that

they forſake their Religion, and become Papiſts, to the great Diſhonour of Almighty God, the great Prejudice of the Proteſtant Intereſt, and the heavy Sorrow and Diſpleaſure of all their Proteſtant Friends. For remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame; That if any Proteſtant Maid, or Woman Unmarryed being heir Apparent to her Anceſtor, or having a Sole or Joynt Eſtate, or Intereſt in Fee-Simple, or in Fee-Tail, or being Seized in Fee-Simple, or in Coparſonary, or in Common, or being Seized of an Eſtate for Life or Lives, by Way of Jointure, Dower, or otherwiſe; or being Poſſeſſed of, or Intituled unto any Beneficial Intereſt, or Term for Years, of, or in any Manors, Lands, Tenements, Rents and Hereditaments, in Poſſeſſion, Revertion, or Remainder, or being Poſſeſſed of, or Intituled to any Perſonal Eſtate, either in Money, Stock, Plate, Jewels, or other Goods and Chattels in Law or Equity, to the Value of Five hundred Pounds Sterling, or more, ſhall at any time after the Firſt Day of January next, Marry, or take to Husband any Perſon whatſoever, without having firſt obtained a Certificate in Writing under the Hand of the Miniſter of the Pariſh, Biſhop of the Dioceſs, and ſome Juſtice of the Peace Living near the Place, or any two of them, where ſuch perſon ſhall be Reſident at the time of ſuch Marriage, that he is a known Proteſtant; which Certificate ſhall alſo be Attefted under the Hands of Two or more

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Credible Witneſſes, and ſhall be Granted Without Fee or Reward; that then and from the time of ſuch Marriage, ſuch Proteſtant perſon ſo Marrying, and the perſon ſhe ſhall ſo Marry, ſhall be for ever afterwards Diſabled and Rendred Incapable of having, Holding, or Enjoying, all, or any of the aforeſaid Eſtates or Intereſts, which ſuch Proteſtant Perſon ſo Marrying, ſhall, may, or ought to have, at the time of ſuch Marriage; and that by ſuch Marriage, as aforeſaid, all, and every of the ſaid Eſtates and Intereſts belonging to ſuch Proteſtant perſon or perſons ſo Marrying, as aforeſaid, ſhall go to, and be Veſted in, and in Law Deemed and Eſteemed to be the Right, Title, Eſtate and Intereſt of the next Proteſtant of the Kin, to whom ſuch Eſtate, or Intereſt would Deſcend, or come to by Law, were ſuch Proteſtant Maid or Woman, and all other Intervening Popiſh Heirs, Executors, or Adminiſtrators really Dead and Inteſtate at the time of ſuch Marriage; and that from the time of ſuch Marriage, ſuch next Proteſtant of the Kin, as aforeſaid, to whom all, or any of the ſaid Eſtates or Intereſts, ſhall come by ſuch Marriage, as aforeſaid, ſhall have, Hold, Poſſeſs and Enjoy, all, and every ſuch Eſtates and Intereſts, in as Large, Ample, and Beneficial Manner, to all intents and purpoſes, as ſuch Proteſtant Maid or Woman might have, Held, Poſſeſſed, or Enjoyed the ſame, in Caſe this Act had never been made; and that at any time after ſuch Proteſtant Maid or Woman, ſhall Marry Without ſuch Certificate, as aforeſaid, it ſhall, and may be Lawful, to, and for ſuch Proteſtant perſon or perſons, to whom all, or

any

any of the ſaid Eſtates or Intereſts, ſhall come by ſuch Marriage, as aforeſaid, by any Action at Law, or other Legal means whatſoever, to Sue for, and Recover all, or any of the ſaid Eſtates or Intereſts, as if ſuch Proteſtant perſon or perſons ſo Marrying, as aforeſaid, and all other Intervening Popiſh Heirs, Executors, or Adminiſtrators, were really Dead, and Inteſtate, as aforeſaid, and as if ſuch perſon or perſons, who ſhall ſo Sue for and Recover all, or any of ſuch Eſtates or Intereſts, were Rightfully and Legally Intituled thereto, as Heir, Executor, or Adminiſtrator to ſuch Proteſtant Maid or Woman Marrying, as aforeſaid; ſuch Maid or Woman, being by ſuch Marriage to be Deëmed and Eſteëmed Dead in Law, to the aforeſaid Intents, Conſtructions and Purpoſes.

And if any ſuch Proteſtant Maid or Woman, as aforeſaid, ſhall at any time after the Firſt Day of January One thouſand Six hundred Ninety ſeaven, Marry any ſuch perſon Without ſuch Certificate, as aforeſaid, that then, and from thenceforth, ſuch Proteſtant perſons, and ſuch Husband as ſhe ſhall ſo Marry, as aforeſaid, ſhall for ever be Incapable of being Heir, Executor, Adminiſtrator, or Guardian, of, or to any Proteſtant or Proteſtants whatſoever; and in caſe any Proteſtant Woman, as aforeſaid, is now Married to a Popiſh perſon, and hath now by Law a Title, or is choſen or appointed to be Guardian to any Proteſtant perſon or perſons, having all or any of the ſaid Eſtates or Intereſts, aforeſaid, that in ſuch Caſe, from and after the ſaid Firſt Day of January, ſuch Guardian ſhall be utterly Uncapable

pable of being any longer ſo Guardian, or to Receive any the Rents, Iſſues or profits, of the ſaid Eſtates or Intereſts of ſuch perſon or perſons in Guardianſhip, as aforeſaid; and the Right and Title of ſuch Guardianſhip, ſhall devolve on, and come to the next Proteſtant, or Proteſtants of the Kin, to whom the Eſtate of ſuch perſon or perſons in Guardianſhip, as aforeſaid cannot deſcend, unleſs ſuch perſon ſhall be Uncapable in Law, or ſhall be Adjudged unfit for ſuch Guardianſhip by the Court of Chancery in this Kingdom: In either of which Caſes, ſuch Right of Guardianſhip ſhall go to the next Proteſtant of Kin, who ſhall be Capable and Fit for the Diſcharge of ſuch Truſt, who ſhall take into his, her, or their Care and Tuition ſuch perſon and perſons in Guardianſhip, as aforeſaid, and Receive the Rents, Iſſues and Profits of ſuch Eſtates and Intereſts belonging to ſuch perſon or perſons, ſo in Guardianſhip.

And that in Caſe any Proteſtant Miniſter, or Popiſh Prieſt, or other perſon whatſoever, ſhall after the ſaid Firſt Day of January, Joyn in Marriage any Proteſtant Maid or Woman, having any of the ſaid Eſtates or Intereſts, aforeſaid, to any perſon whatſoever, without having ſuch Certificate in Writing, as aforeſaid, then every ſuch Proteſtant Miniſter, Popiſh Prieſt, or other perſon whatſoever, Joyning in Marriage, as aforeſaid, ſuch Proteſtant Maid or Woman to any perſon without ſuch Certificate, as aforeſaid, for every ſuch Offence, he or they ſhall ſo Commit, being Convicted thereof by his or their Confeſſion, or by the Verdict of a Jury of Twelve Men of the County wherein ſuch

Offence shall be Committed, shall suffer One Year's Imprisonment, Without Bail or Mainprize, Forfeit the Summ of Twenty pounds Sterling, the one Moyety thereof to Our Sovereign Lord the King, that now is, His Heirs and Successors, and the other Moyety to the party or parties that will Sue for the same, by any Bill, Plaint, Action, Sute or Information, wherein no Essoyn, Wager of Law, or Protection shall be allowed.

And whereas the Marriages of Protestant persons, to, and with Popish Maidens and Women, have proved Pernitious to the Protestant Interest, it commonly happening such Protestant persons and their Issues, being influenced by such Popish Wives, are Reconciled to Popery, and become Papists: For Remedy Whereof, Be it further Enacted by the Authority aforesaid, That in Case any Protestant person or persons, shall after the said First day of January next, Marry any Maiden or Woman, without having obtained a Certificate in Writing, under the Hand of the Minister of the Parish, Bishop of the Diocess, and some Justice of the Peace, living near the place were such Maid or Woman shall be Resident at the time of such Marriage, or any Two of them, of her being a known Protestant; which Certificate shall be Attested by Two Credible Witnesses, as aforesaid, and shall be Granted Without Fee or Reward; such person or persons so Marrying any Maiden or Woman, shall from and after such Marriage, be in Law, deemed and esteemed to all intents, constructions and purposes, to be a Papist, or Popish Recusant, and shall for ever afterwards, be Disabled and Rendered Incapable of, and from

from being Heir, Executor, Administrator, or Guardian to any person or persons whatsoever, as also be Disabled to Sit in either House of Parliament, and Rendered Incapable of, and from having, bearing, or Exercising, any Civil or Military Office or Imployment whatsoever, unless such person so Marrying, shall within One Year after such Marriage, procure such Wife to be Converted to the Protestant Religion, and shall obtain a Certificate under the Hand and Seal of the Bishop of the Diocess, or Arch-Bishop of the Province, or Chancellor, of this Kingdom, that she hath renounced the Popish Religion, and is become a Protestant and shall procure the said Certificate to be Inrolled in the Court of Chancery in this Kingdom.

And Wheras several Popish Priests have of late endeavoured to Withdraw several of the Soldiers Inlisted in his Majesty's Army, from his Majesty's Service, by Marrying them to Popish Wives.

Be it therefore further Enacted, That any Popish Priest, or Protestant Minister, or other person whatsoever, that shall Marry any Soldier Inlisted in his Majesty's Army in this Kingdom, to any Wife without such Certificate as aforesaid, shall Forfeit the Summ of Twenty pounds for every such offence, to be Levied by Warrant from any Justice of the Peace, in any County in this Kingdom where such offence shall be Committed of the Goods and Chattels of the Offender, or in Default thereof, the party so Offending to be Committed to the County Goal, there to remain without Bail or Mainprize, until he shall pay the said Summ,

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one Moyety thereof to such person or persons that shall give Information and make out such Offence before any Justice of the Peace, and the other Moyety to the Treasurer of the County, to be applyed to the use of the County, and that every Justice of the Peace shall give an account of his proceedings, to the next Quarter-Sessions.

Provided always, That any person that shall think himself Agrieved, by the Judgment of any Justice of the Peace, may have Liberty to Appeal to the next Quarter-Sessions, where the said Matter shall be Examined, and such Relief therein given, as to the Justices at the Quarter-Sessions shall seem reasonable.

Provided always, And be it Enacted, That in all Cases where a Certificate is required by this Act, that the person Marrying is a known Protestant, if any Marriage shall be Made without such Certificate, and it can afterwards be made appear by Proof, that such person was a known Protestant, that in such Case, they shall not be Lyable to any Forfeitures or Penalties in this Act.

An ACT for Granting an Additional Duty on Tobacco; and for continuing unto His Majesty an Aid, or Additional Custom on several Goods and Merchandizes. And also, for continuing the Additional Duty on Beer and Ale, and other Liquors, till the Twenty fifth Day of *December*, One thousand Seaven hundred and Two.

CHAP. XXIX.

AN

An ACT to hinder the Reverſal of ſeveral Outlawries and Attainders, and to Prevent the Return of Subjects of this Kingdom, who have gone into the Dominions of the *French* King in *Europe*.

CHAP. XXX.

FORASMUCH as by the Laws of this Kingdom, the Kings and Quæns of England are by Undoubted Right, Kings and Quæns of this Realm, and ought to Enjoy the Title, Majeſty, Power, and Authority of Kings and Quæns of the ſame: Yet nevertheleſs, Richard late Earl of Tyrconnel, formerly Lord Deputy, and Chief Governour of this Kingdom, by Vertue of a Commiſſion from the late King James, Donogh late Earl of Clancarty, William late Earl of Limerick, Ulick late Lord Viſcount Galliway, Peirce late Lord Viſcount Galmoy, Sir Valentine Browne, Garrott Dillon, Eſquire, late Prime Serjeant to the late King James, Sir Richard Nagle, late Attorney-General to the ſaid King James, and diverſe other Wicked and Ill-diſpoſed Papiſts, contrary to their Allegiance and Duty, did utterly Refuſe to Submit to Your Majeſty's Government. He the ſaid late Earl of Tyrconnel, after Your Majeſty's Happy Acceſſion to the Imperial Crown of England, continuing to act as Lord Deputy, and Chief Governour of this Kingdom, in Derrogation to Your Majeſty's Royal Authority, and in Op-

position thereunto; and with the Advice and Assistance of them the said Donogh late Earl of Clancarty, William late Earl of Limerick, Ulick late Lord Viscount Gallway, Pierce late Lord Viscount Galmoy, Sir Valentine Browne, Garrott Dillon, Esquire, Sir Richard Nagle and others, as aforesaid, Raising Forces to Oppose Your Majesty and Your Government; and they with many other Irish Papists, who were in Arms, utterly refused to accept of the Grace and Favour extended to them, by Your Majesty's Royal Proclamation, bearing Date the Two and twentieth day of February, in the First Year of the Reign of Your Majesty, and Your Royal Consort, the late Queen of blessed Memory; but on the contrary, Countenanced and Encouraged the late King James, to Summons several of the Inhabitants of this Kingdom, to Meet and Assemble in this Your Majesty's City of Dublin, as a Parliament; and they with others, made several pretended Acts and Ordinances, which they termed Acts of Parliament, under the Authority of the late King James, in the Month of May, One thousand Six hundred Eighty nine; and thereby Attainted many Thousands of His Majesty's good Protestant Subjects of this Kingdom of High-Treason, for Adhering to Your Majesty, and Her late Majesty; and several other pretended Acts and Ordinances, in Derrogation to Your Majesty's Undoubted Right; and Encouraged many of Your Majesty's Subjects to Rise in Arms, and Levy War against Your Majesty; brought into this Kingdom, great numbers of the French King's Subjects, Your Majesty's open Enemies, to their Assistance; Murthered and Destroyed several Thousands of Your Majesty's

good

good Protestant Subjects of this Kingdom, for no other reason but for their being of the Protestant Religion, and adhering to Your Majesty, and her late Majesty, Your Royal Consort, and Encouraged an unnatural Rebellion throughout this Kingdom, which by the goodness of Almighty God by the Great Expence of the Treasure of England, and the Blood of England, and this Kingdom, and the Extream Hazard of Your Majesty's Sacred Person, is reduced to Your Majesty's Obedience, and this Your Kingdom settled in perfect Peace, notwithstanding which, many of your Majesty's Irish Papist Subjects, have Engaged with Your Majesty's Enemies, and several Thousands of them are actually in the French King's Service, against Your Majesty. May it please Your Majesty that it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, that all and every the Convictions, Outlawries, and Attainders in this Kingdom, of any Person or Persons whatsoever, for High-Treason, or Rebellion by him or them Committed, or done not Reversed or Pardoned, before the Twenty Seaventh Day of July, One Thousand Six Hundred Ninety Seaven, other then the Convictions, Outlawries, and Attainders of Persons already adjudged, to be Comprehended within the Articles of Limerick or Gallway, or either of them, who have not yet Reversed their Outlawries, and Attainders, and other then the Outlawries,

ries, and Attainders of such who within the space of Two Years to be accounted from the First Day of September, One Thousand Six Hundred Ninety Seaven, shall be Adjudged to be Comprehended, within the said Articles, or any of them, shall be, and remain sufficient and effectual in Law for ever, to all intents, constructions and purposes, any Error insufficiency, or other defect in form, or matter in them, or any of them, to the contrary notwithstanding, and that no Judgment upon any Writ of Error, or Plea, nor any Pardon from His Majesty, His Heirs or Successors, shall anywise operate to the prejudice, or to the invalidating of such Conviction, Outlawry and Attainders, Except such as are herein before Excepted, any Law, Usage, or Custom to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid. That all and every Papist and Papists, or reputed Papist or Papists, that have been Guilty of the said Rebellion in this Kingdom against His Majesty, and Her late Majesty the Queen, and who by any Inquisition already taken by the Oaths of Twelve good and lawful Men, and returned, or that shall be taken by the Oaths of Twelve good and lawful Men, and returned within the space of Two Years, from the First Day of September, One Thousand Six hundred Ninety Seaven, hath, have, or shall be found to have Dyed, or been Slain, in their said Actual Rebellion, before the Third Day of October, One thousand Six hundred Ninety One, shall by Authority of this Act, be Convicted, and Attainted of High-Treason, and shall incur

incur the Penalties and Forfeitures that Traytors Attainted by the Ordinary Courſe of Proceedings in Caſes of High-Treaſon, by the Laws of this Realm now in Being, ought to ſuffer and undergo.

And be it further Declared and Enacted That whereſoever any ſuch Papiſt or Papiſts, heretofore have been found to have been Slain, or to have Died in the ſaid Rebellion, againſt His Majeſty and Her late Majeſty the Queen before the Third Day of October, One thouſand Six hundred and Ninety one, by Inquiſition taken upon the Oaths of Twelve, or more good and lawful Men of the County, where ſuch Papiſt or Papiſts have Committed ſuch Rebellion and Treaſon; that the ſaid Papiſt or Papiſts, or reputed Papiſt or Papiſts, ſo found to have been Slain, or to have Died in Rebellion againſt His Majeſty, and Her late Majeſty the Queen, ſhall at all times hereafter be adjudged and deemed, and is, and are hereby Declared to be Traytors Attainted to all Intents and Purpoſes; and to have incurred all ſuch Penalties and Forfeitures of Eſtate Real and Perſonal, from the Time he or they ſhall by ſuch Inquiſition be found to have Committed or been Guilty of the ſaid Rebellion and Treaſon, as if he or they had been Attainted of any ſuch Rebellion and Treaſon, by Judgment upon Verdict, or Outlawry.

Provided always, That nothing in this Act contained, as for, and concerning the Forfeiture of ſuch Papiſt or Papiſts, or reputed Papiſt or Papiſts, that Died or were Slain in Actual Rebellion, before the Third Day of October, One thouſand Six hundred and Nine-

ty one, shall extend, or be Construed to extend to the Prejudice of any person or persons being of the Protestant Religion, or professing to be of the Protestant Religion, the Tenth day of April, in the Year of Our Lord God, One thousand Six hundred and Eighty Nine, Who hath continued so from that time hitherto, or till the time of his or their Death, claiming, or deriving any Titles of Honour, by immediate Discent from such Papist or Papists, as aforesaid, or who have or had any Estates, Real or Personal, by Discent or Purchase, Bona fide, made, or Who have any Real Incumbrances on such Papist or Papists Estates, for Valuable Considerations, from or by such Papist or Papists, as aforesaid, Dead, or Slain in Rebellion; or from his or their Heirs, Executors, Administrators, or Assigns, at any time since the Treason committed and done and before the Sixth day of June, in the Year of Our Lord God, One thousand Six hundred and Ninety Seaven; but that such person or persons, being of the Protestant Religion, in manner as aforesaid, shall, and may have, hold, and enjoy all & every his and their Title and Titles of Honour come to them, respectively, by the Death of such Papist or Papists, as aforesaid, Dead or Killed in the said Rebellion; as also all and every the Rights, Titles, and Interests by Discent, Purchase, or Real Incumbrance, from, or by such Papist or Papists, or reputed Papist or Papists so Dead, or Killed in Rebellion, or from his and their Heirs, Executors, Administrators, and Assigns, or any of them, at any time since the said Rebellion committed and done, and before the Sixth day of June, aforesaid, any thing

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in this Act to the contrary notwithstanding.

And be it further Declared and Enacted by the Authority aforesaid, That it shall, and may be Lawful, to, and for the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of this Kingdom, for the time being, at any time within Two years, to be Accounted from the First Day of September, One thousand Six hundred and Ninety seaven, to Issue one or more Commission or Commissions, into all, or any of the Counties of this Kingdom, to be Directed to the Escheator or Escheators, of such County or Counties, or to his, or their Deputy or Deputies, Lawfully Authorized; or to such other Good and Lawful Men, as it shall seem meet to Appoint Commissioners; whereof one of the Judges of the King's Bench, or Common-Pleas, or one of the Barons of His Majesty's Court of Exchequer, shall be always one; to Enquire by the Oaths of Twelve or more Good and Lawful Men, of the said County, or Counties, what person or persons of the Popish Religion have Dyed, or were Slain in the said Rebellion against His Majesty, and Her late Majesty the Queen, before the said Third Day of October, One thousand Six hundred and Ninety one; and what Estate or Estates, Real or Personal such person or persons of the Popish Religion as aforesaid, so Dying, or so Killed, was, or were Seized, or Possessed of, in Use, Trust, Possession, Reversion, or Remainder, in such County where such Enquiry shall be made, and such Commission Executed at the time of the Committal of such Rebellion or Treason, or at any time after the same. In every of which Commissions, there shall be a Clause Inserted,

Requiring

Requiring the ſaid Commiſſioners to give publick Notice in the Chief Town of each County, of the time and place appointed for the Execution of ſuch Commiſſion, Twenty Days at leaſt, before the ſame ſhall be Executed.

Provided always, That it ſhall and may be Lawful, to, and for any perſon or perſons Claiming as Heir General, or as Heir, or Iſſue-Tail, or as Executor, Adminiſtrator, or Aſſignee, to whom reſpectively the Title or Titles of Honour, or the Eſtate Real or Perſonal, of the perſon ſo found to have Died, or to have been Killed in Rebellion, could have come, but for the Inquiſition, aforeſaid, found or to be found; and to, and for any other perſon or perſons, Bodies-Politick or Corporate, who ſhall be Agrieved by ſuch Inquiſition, to put in his or their Traverſe or Traverſes, denying that ſuch perſon or perſons Dyed, or Was, or Were Slain in Rebellion, or to put in any other, his or their Traverſe or Traverſes, to any matter or thing contained in ſuch Inquiſition, within one year next after the ſaid Firſt Day of December, One thouſand Six hundred and Ninety ſeaven, or within one year next after the Returning and Filing of Record of ſuch Inquiſition, as aforeſaid, at the Election of the perſon Agrieved; and if the Traverſe ſo to be Entred and Taken, ſhall be Tryed, and the Jury that ſhall Try the ſame, ſhall find contrary to the ſaid Inquiſition, then and in ſuch Caſe, ſuch Inquiſition ſhall become Void, and of none Effect in Law; and the ſaid Traverſer and Traverſers, ſhall enjoy, ſuch his, or their Title or Titles of Honour, and be reſtored and put into Poſſeſſion of ſuch Eſtate, Real or Perſonal, as would to him,

or

or them have deſcended remained or come by courſe of Law, in the ſame Manner as if no ſuch Inquiſition had been found, any thing herein contained to the contrary notwithſtanding.

And if Verdict ſhall be given againſt the Traverſer, upon any Plea of Traverſe, as aforeſaid, or if Judgment ſhall paſs againſt ſuch Traverſer, for Inſufficiency of ſuch his Traverſe or if he ſhall fail to proceed to try the ſaid Iſſue of Traverſe, within one Year next after ſuch Traverſe ſhall be Filed, the ſaid Inquiſition and Finding, ſhall at all times hereafter, ſtand, be, and remain firm, and valid, and be no way Impeached annulled or ſet aſide, any Law, Cuſtom or Statute to the contrary, notwithſtanding.

Saving and Excepting hereout, Women Covert de Baron, perſons within the Age of Twenty one Years, perſons in Priſons, perſons out of this Realm, elſewhere then in the Dominions of the French King in Europe; and alſo all perſons of Non ſane Memory, all and ſingular which ſaid perſons, by the Authority aforeſaid, ſhall have their, and every of their Right and Title reſerved and ſaved to them, and their Heirs, Executors, and Adminiſtrators reſpectively, unto the time that they be and come to their full Age of One and Twenty Years, out of Priſon within this Land, Uncovert, and of Whole Mind.

And the ſame Traverſe, or Traverſers may take and purſue within One Year after their coming of full Age, of Twenty one Years, out of Priſon within this Land, Uncovert, of Whole Mind.

And alſo, be it Enacted by the Authority aforeſaid, That all ſuch perſons as be Covert de Baron, and every perſon within the Age of Twenty one Years in Priſon, or out of this Land, or of Non ſane Memory, at the time of taking of the ſaid Inquiſition, and by this Act, as aforeſaid, excepted, that they, or their Heirs, Executors, Adminiſtrators, or Aſſigns, according to their reſpective Rights and Intereſt, may take his or their Traverſe or Traverſes within One Year next after they reſpectively come and be of the Age of Twenty one Years, out of Priſon, Uncovert, within this Land, and of Sane Mind.

And if they do not take their Traverſe or Traverſes within the ſaid Year, and according to the Limitation, Method, and Direction of this Act, as aforeſaid, that then they, and every of them, and their Heirs, Executors, Adminiſtrators, and Aſſigns, according to their reſpective Rights, and Intereſts, are, and ſhall be concluded by the ſaid Inquiſition and Finding, any thing in this Act to the contrary notwithſtanding. And for the preſervation of the Peace and Quiet of this Kingdom.

Be it Enacted by the Authority aforeſaid, That if any perſon or perſons, being His Majeſty's Subject, or Subjects who have gone out of this Kingdom at any time ſince the Tenth day of April, One thouſand Six hundred and Eighty nine, During the late War with France, into France, or any of the French King's Dominions in Europe, other then ſuch as have gone thither by His Majeſty's particular Licence or Command, ſhall from and after the Twenty third day of October One thouſand Six hundred

hundred and Ninety seaven, voluntarily come, or return from France, or any of the French King's Dominions, in Europe, into this Kingdom, without His Majesty's, His Heirs, or Successors, Licence, or Leave, under the Great Seal of this Kingdom, and that also, Subject to the Restrictions and Limitations herein after mentioned and expressed, for that purpose, had and obtained, and be thereof Convicted by due course of Law: Every person so Offending, shall be Taken, Deemed, and Adjudged to be Guilty of High-Treason, and shall suffer such Penalties as in Cases of High-Treason, and shall, and may be Indicted, and Tryed for the same, in such County of this Realm, as His Majesty, His Heirs and Successors, by His, or Their Commission, under the Great Seal of this Kingdom shall appoint.

And be it further Enacted and Declared, That no Licence, as aforesaid, shall be good, and vali'd to any such person or persons, wherein the true Name, and Sir-name, and place of Abode, of such person or persons, where he or they Resided, or Dwelt in Ireland, when he or they Dwelt, or Resided in this Kingdom, is not mentioned and expressed.

And that no Licence, as aforesaid, shall be vali'd, or effectual to any more persons therein contained, then the Three first named in Case there shall be more then Three named in one Licence.

And that before any such Licence shall pass the Great Seal of this Kingdom, the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal of this Kingdom, for the time being, are respectively hereby Directed, Required,

and

and Impowered, to take ſufficient Security by Recognizance, for any Summ, not under One hundred pounds, to be forthwith Filed of Record in the High-Court of Chancery in this Kingdom. That each party ſo to be Licenced, as aforeſaid, ſhall anually pay during his Reſidence, and Aboad in this Kingdom, to the Biſhop of the Dioceſs where ſuch perſon ſhall Reſide, whilſt in this Kingdom, the Summ of Forty Shillings for the Benefit and Advantage of ſuch School, or Schools, as the ſaid Biſhop ſhall think moſt in want of Support and Maintenance, in the ſaid Biſhop's Dioceſs; Upon Failure and Payment whereof, it ſhall and may be Lawful to, and for the Biſhop of the ſaid Dioceſs, to Proſecute and Recover the ſaid Summ in the ſaid Recognizance mentioned, and the ſame to lay out, and Diſpoſe of, with the Approbation of the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal of this Kingdom, for the time being, for the Benefit and Advantage of ſuch School or Schools, in the ſaid Dioceſs.

And be it further Enacted by the Authority aforeſaid, That all and every of His Majeſty's Subjects, who at any time ſince the Third day of October, One thouſand Six hundred and Ninety one, hath, or have returned out of France, or out of any of the French King's Dominions in Europe, into this Kingdom, ſhall on, or before the Firſt Day of May, One thouſand Six hundred Ninety eight, Surrender him, or themſelves, to ſome One of the Judges of His Majeſty's Court of King's-Bench, or Common-Pleas, or to ſome One of the Barons of His Majeſty's Court of Exchequer, and being of the Age of Sixteen

Sixteen Years, take the Oath of Allegiance, mentioned in an Act made in England, in the Third Year of His present Majesty, and the late Queen Mary, Intituled, An Act for the Abrogating the Oath of Supremacy in *Ireland*, and Appointing other Oaths. And enter into Recognizance with sufficient Sureties, for his or their Good Behaviour, for One year thence to come; which said several Recognizances, shall be returned into his Majesty's Court of King's-Bench, within Three Monthes next after they shall be taken, or shall enter into such Security, as the said Judges or Barons respectively shall think fit to require, that he, she, or they unless Licenced in manner and form aforesaid, by His Majesty to continue here, shall within Twenty Days depart this Kingdom, and not return into the same, without such Licences aforesaid.

And in Case any of His Majesty's said Subjects, shall neglect or refuse to Surrender him, her, or themselves, and to take the said Oaths, and to give such Security for their Good Behaviour, or that shall not depart this Kingdom accordingly; every person so neglecting, or refusing, shall incur the Danger and Penalty of Premunire; and every person so returning without such Licence, as aforesaid, shall incur the Danger and Penalty of High-Treason, and shall suffer such Pains and Penalties as in Case of High-Treason, and shall and may be Indicted and Tryed for the same, in such County of this Kingdom, as His Majesty by His Commission under the Great Seal of this Kingdom, shall appoint.

And be it further Declared and Enacted by the Authority aforesaid, That all and every the Estates, Rights, Titles, and Interests, either in Law or Equity, in, or to any Lands, Tenements, or Hereditaments, of any person or persons being of the Protestant Religion, or professing to be of the Protestant Religion, on or before the Twenty seaventh day of July, One thousand Six hundred Ninety seaven, and hath continued so from that time hitherto, or till the time of his or their Death, shall be and remain of such force and effect in Law or Equity respectively, and no other then if this Act had not been made, any thing in this Act contained to the contrary notwithstanding.

Provided always, and be it further Enacted and Declared, at the Humble and Earnest Request of James Earl of Tyrone, That nothing in this Act contained, shall extend, or be construed to extend, to Confirm the Outlawry, or Outlawries of the said James Earl of Tyrone, by the Name of James Power of Curraghmore, in the County of Waterford, Esquire, but that the same shall be subject and liable to such Order and Directions for Reversal thereof, as his Majesty shall please to Declare, touching and concerning the same, as if this Act had never been made, any Clause, Matter, or thing therein contained to the contrary notwithstanding.

And whereas Thomas Lord Baron of Kerry, and John Lord Baron of Kingston, have both of them been in France since the said Third day of October, One thousand Six hundred Ninety one, and have also since that time returned into this Kingdom, and submitted themselves to his Majesty's Obedience and Government.

Be

Be it Enacted by the Authority aforesaid, at the Humble and Earnest Request of the said Thomas Lord Kerry, and the said John Lord Kingston, That nothing in this Act contained, shall extend, or be construed to extend, to their, or any of their Prejudice or Prejudices, but that they, and each of them, are hereby Declared to be Excepted out of this Act, any thing therein contained to the contrary notwithstanding.

Provided always, That nothing herein contained shall extend, or be construed, taken, or expounded to extend, to Attaint Mathew Plunkett, Esq; commonly called Lord Lowth, who Died during the late Rebellion in this Kingdom, before the Third day of October, One thousand Six hundred Ninety one, any thing in this Act contained to the contrary notwithstanding.

Provided always, and be it further Declared and Enacted, That nothing in this Act contained, shall extend, or be construed to extend, to Confirm the Outlawry or Attainder of Edmond Keating, of Narramore, in the County of Kildare, Esquire, nor to abridge, or restrain His Majesty's Power of Pardoning him, the said Edmond Keating, both as to Life and Estate any thing contained in this Act to the contrary notwithstanding.

Provided always, And be it Enacted by the Authority aforesaid, That nothing in this Act contained, shall extend, or be construed to extend, to confirm the Outlawry or Outlawries, Attainder or Attainders, of Sir John Bellew, Knight late Lord Bellew Baron Duleeke, Father of Richard Bellew, Esquire; Charles Lord Baltimore, and Robert Feilding, Esquire, or either of them, for any Crime, or Crimes, Committed, or Done by them, or either of them, since the

Fifth

Fifth Day of November, One thouſand Six hundred Eighty eight; but that the ſame ſhall be Subject and Liable to ſuch Orders and Directions for Reverſal thereof, as His Majeſty ſhall pleaſe to Declare, touching and concerning the ſame, as if this Act had not been made, any Clauſe, Matter, or Thing, therein contained to the contrary notwithſtanding.

Provided, That nothing in this Act contained, ſhall Extend, or be Conſtrued to Extend, to Attaint or Convict of High-Treaſon, Nicholas late Earl of Carlingford, or his Brother John Taafe, Eſquire, or to Veſt in, or Forfeit to Your Majeſty, Your Heirs or Succeſſors, any Eſtate, Right, Title, or Intereſt in Law or Equity whatſoever; which they the ſaid Nicholas late Earl of Carlingford, or the ſaid John Taafe had, or ought to have had, any thing in this Act contained to the contrary notwithſtanding.

Provided always, That nothing in this Act contained, ſhall extend, or be Conſtrued to Extend, to Confirm the Outlawry or Outlawries, Attainder or Attainders, of Nicholas French of Abbart, in the County of Gallway, Eſquire, for any Crime Committed or Done by him, ſince the Fifth Day of November, One thouſand Six hundred Eighty eight, but that the ſame ſhall be Subject and Liable to ſuch Orders and Directions, for Reverſal thereof as His Majeſty ſhall pleaſe to Declare, touching and concerning the ſame, as if this Act had not been made, any Clauſe, Matter, or Thing therein contained to the contrary thereof notwithſtanding.

Provided alſo, That nothing herein contained, ſhall Extend, or be Conſtrued to Extend, to Confirm the ſeveral Outlawries and Attainders, of Edward Lord Baron of Athenree; and Lieutenant

tenant Collonel John Kelly, or either of them, for any Crime, or Crimes Committed, or Done by them, or either of them since the Fifth Day of November, One thousand Six hundred Eighty eight; but that the same shall be Subject, and Liable to such Order and Directions, for Reversal thereof, as his Majesty shall please to Declare, touching and concerning the same, as if this Act had not been made, any Clause, Matter, or Thing therein contained, to the contrary thereof notwithstanding.

Provided always, that nothing herein contained, shall Extend or be Construed, Taken or Expounded, to Extend, to Attaint Richard late Earl of Tyrone; Theobald late Lord Viscount Dillon, and Nicholas late Lord Viscount Nettervil, who Dyed during the late Rebellion in this Kingdom, before the Third Day of October, One thousand Six hundred Ninety one, or any of them, any thing in this Act contained, to the contrary notwithstanding.

Provided always, that nothing in this Act contained, shall Extend, or be Construed to Extend any ways to Confirm the Attainders, or Outlawry of Edward Geoghegan of Castletown, Kindaleene in the County of Westmeath, Esq; or to Obstruct, or Hinder his Majesty's Gracious Intentions for the Reversal of the same.

Provided always that nothing in this Act contained shall Extend to Abridge, or Restrain his Majesty's Power of Pardoning any Person Attainted of High-Treason, by Outlawry, or otherwise, so as to save the Lives only of such person or persons.

And whereas Patrick Sarsfield the Elder, late of Lucan, Esq; Deceased, stands Indicted, and Outlawed for High-Treason, Committed against his

preſent Majeſty, & Her late Majeſty Queen Mary;

Be it Enacted, that nothing in this Act contained, ſhall Extend, or be Conſtrued to Extend in any Wiſe, to Confirm the ſaid Outlawry, or Attainder, of the ſaid Patrick Sarsfield the Elder; but that the ſaid Attainder, or Outlawry, may be capable of being Reverſed in the ſame Manner, as if this Act had never been made.

Provided alway, that nothing in this Act contained, ſhall Extend or be Conſtrued to Extend in any Wiſe, to Confirm the Outlawry or Attainder, or Outlawries or Attainders, of Henry Crofton of Longford, in the County of Sligoe; but that the ſaid Outlawry or Attainder, or Outlawries or Attainders, may be capable of being Reverſed in the ſame manner, as if this Act had never been made.

Provided always, that nothing in this Act contained, ſhall Extend, or be Conſtrued to Extend to Confirm the Outlawries or Attainders, of Barnaby late Baron of Upper-Oſſery; but that the ſame may be capable of being Reverſed in the ſame manner, as if this Act had never been made.

Provided always, That nothing in this Act contained, ſhall extend, to Confirm the Outlawry, or Outlawries, Attainder or Attainders, of Thomas Nugent of Streamſtown, in the County of Weſtmeath Gent. *Alias*, Thomas Nugent, of London, Merchant, *Alias*, Thomas Nugent, of Montſerrat, in America, Merchant, but that the ſaid Thomas Nugent, his Heirs, Executors, and Adminiſtrators, ſhall, and may, have ſuch, and the like Remedy, Benefit, and Advantage, to all intents and purpoſes, for reverſing ſuch Outlawry, or Outlawries, Attainder, or Attainders, as if this Act had never been made, any Clauſe, Article, or Matter, herein contained to the contrary, in any wiſe, notwithſtanding.

An

An ACT for making the Collectors Receipts for Quit-Rent, Crown-Rent, and other Rents due to the Crown, full and legal Discharges for the same; and for Limitting their Fees thereon.

CHAP. XXXI.

WHEREAS the several and respective Farmers of the Revenue of this Kingdom, since the Restauration of His late Majesty King Charles the Second; and the several Commissioners appointed since, for the management of the said Revenue, have thought fit for several Weighty Considerations, to Collect and Levy the Quit-Rent, Crown-Rent, Composition, and all other Rents due to the Crown, by Collectors, by them appointed, in the several Districts of this Kingdom, which was principally intended for the Ease of the Subject, by saving them the Trouble, Danger, and Expence, of sending their Money to Dublin, to be there paid into the Treasury.

And whereas several Scruples have Arisen, amongst His Majesty's good Subjects, which have made them doubt, whether the Acquittances given by such Collectors, were, or ought to be sufficient Discharges to the Persons who have paid the said Rents, against His Majesty, in any Prosecution made in His Name, in the Court of Exchequer, or elsewhere; for Levying and Recovering thereof, in case the said Collectors

who have Received the ſame, have not duly Accounted for ſuch Receipts with His Majeſty, as in Duty they ought; For Remedy Whereof.

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame; that the ſeveral Acquittances already given by the Collectors, or Receivers, duly Authorized and Appointed to Collect, and Receive the ſaid Quit-Rent, Crown-Rent, Compoſition-Rent, and other Rents; As alſo all Acquittances that hereafter ſhall be given by any ſuch Collector, or Receiver, during the time the ſaid Collectors were, are, or ſhall be ſo Employed, ſhall be Good, and Valid in Law, to all Intents and Purpoſes, againſt His Majeſty, His Heirs and Succeſſors. And that all ſuch Acquittances ſo given, or hereafter to be given, ſhall be as Good and Effectual, to all Intents and Purpoſes, as an Exchequer Acquittance duly Paſſed and Entred in the ſeveral Offices of the Exchequer.

And be it further Enacted, That all and every the Collector and Collectors of the aforeſaid Rents ſhall upon Payment of the ſame, or any part thereof, give and perfect to the perſon ſo paying the ſame, a full and Clear Receipt or Acquittance, for What he ſhall receive, in Parchment under his Hand; wherein he ſhall mention the Summ ſo by him Received, and for What Gates Rent, and for What Land, and on What Account the ſame is paid to him. And for the Encouragement of the ſaid Collectors to do their Duty therein, with all due Regard and Indulgence to the Country. And to prevent the Extortions and Op-

Oppreſſions which may be committed by their Bailiffs, or Drivers, on the Tenants Liable to pay ſuch Quit-Rent, Crown-Rent, Compoſition-Rent, or other Rent.

Be it further Enacted by the Authority aforeſaid, That the ſaid Collectors, and every of them may, demand and receive the reſpective Fees hereafter mentioned, and no more, or other Fee: That is to ſay, For every Acquittance they ſhall give for any of the ſaid Rents, for any Summ above Five ſhillings, and not exceeding Twenty ſhillings, the Summ of Six pence, and no more, and for every Summ above Twenty ſhillings, and not exceeding Five pounds, the Summ of One ſhilling and no more, and for every Summ above Five pounds, and not exceeding Fifteen pounds, the Summ of One ſhilling Six pence, and no more, and for every Summ above Fifteen pounds, the Summ or Fee of Two ſhillings, and in no caſe to receive any more for any one Acquittance then Two ſhillings.

And whereas ſeveral perſons ſtand Charged with, or are Obliged to pay ſeveral Rents, for ſeveral Parcels of their Lands and Tenements, the ſame being Granted under ſeveral and diſtinct Rents, to themſelves, or others, under whom they Claim, for which formerly, ſeveral Acquittances uſed to be given, tho' paid at the ſame time, and by the ſame perſon, for which ſaid ſeveral Acquittances, diſtinct Fees have been paid, to the great Charge of the Subject; for Remedy whereof.

Be it further Enacted by the Authority aforeſaid, That where one perſon ſtands Charged with the Payment of ſeveral and diſtinct Summs,

Summs, in respect of several Parcels of their Lands and Tenements, or where the same is in Charge, in the name of other persons, not in possession of such Lands, the several Collectors of this Kingdom, within their respective Districts, shall on Receipt of the said Rents, or any part thereof, give to the person so in possession, as aforesaid, and so paying the same, One Acquittance for what he shall so pay; which Acquittance shall distinctly mention, as well the Lands and Tenements, as the Rent so paid, and for what Sale the same is so paid, and by whom, for which One Acquittance the said Collectors shall receive no other or greater Fee then as aforesaid. And whereas, the several Acquittances to be made and given pursuant to this Act, may be lost or mislaid, to the prejudice of the person therein concerned: For prevention whereof.

Be it further Enacted by the Authority aforesaid, That all and every the Collector and Collectors of this Kingdom, shall every Year, prepare a Book, Wherein they shall Enter all the Receipts or Acquittances by them given, for all and every the aforesaid Rents, under their Hands, and in the presence of the party paying the same, which Receipt the said parties, or any other on his behalf, may set their Names; for every which Entry, the said Collectors may demand and receive Two pence over and above the Fees aforesaid; which Book, the said Collectors, and every of them respectively, shall Yearly, before the Stating of their Accounts, return under their Hands, and on their Oaths, into the Office of the Auditor-General, where the same

shall

shall remain and be kept, not only as a Charge on such Collectors respectively, but also as a Discharge to the Subject, for all Summs thereby appearing to be paid as aforesaid.

An ACT for taking away the Benefit of Clergy in some Cases.

CHAP. XXXII.

FORASMUCH as divers Wicked, and Ill-disposed Persons, are Encouraged to Commit Roberies upon Mens Persons, and in their Houses, and other Offences, by the Priviledge, as the Law now is, of Demanding the Benefit of the Clergy.

Be it therefore Enacted by the King's Most Excellent Majesty, and by, and with the Advice, and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same; That all and every person or persons that shall and at any time, from and after the First day of May, in the Year of Our Lord, One thousand Six hundred Ninety eight, Rob any other person, or shall Feloniously take away any Goods or Chattles, being in any Dwelling-House, the Owner, or any other person being therein, and put in fear; or shall Rob any Dwelling-House in the Day time, any person being therein; or shall Comfort and Abett, Assist, Counsel, Hire or Command, any person or persons to Commit any of the said Offences; or to break any Dwelling-House, Shop,

or Ware-House, thereunto belonging, or therewith used in the Day time, and Feloniously take away any Money, Goods, or Chattels, of the value of Five Shillings, or upwards therein being, altho no person shall be within such Dwelling-House, Shop, or Ware-House; or shall Counsel, Hire, or Command any person to Commit any Burglary, being thereof Convicted, or Attainted, or being Indicted thereof, shall stand Mute, or will not directly Answer to the Indictment; or shall peremptorily Challenge above the Number of Twenty persons, returned to be of the Jury, shall not have the Benefit of his, or their Clergy.

And be it further Enacted by the Authority aforesaid, That if any person or persons whatsoever, be Indicted of any Offence, for which, by Vertue of any former Statute, he, or they are Excluded from having the Benefit of his, or their Clergy, if he or they, had been thereof Convicted by Verdict, or Confession; such person and persons, if he, or they stand Mute, or will not Answer directly to the Felony, or shall Challenge peremptorily above the Number of Twenty persons, returned to be of the Jury; or shall be Out-lawed thereupon, shall in like manner be Ousted of the Benefit of his, or their Clergy, as if he had been Convicted of such Offence, by Verdict, or Confession.

And be it further Enacted by the Authority aforesaid, That if any person or persons hereafter be Indicted of Felony, for Stealing any Goods or Chattle, in any County within this Realm of Ireland, and thereof be Convicted, or Attainted; or upon his, or their Arraignment shall stand Mute, or will not directly Answer

to

to the Indictment; or shall Challenge peremptorily above the Number of Twenty persons, returned to be of the Jury, he or they, shall be totally Excluded from having the Benefit of his or their Clergy. If it appear upon Evidence, or Examination, before the Justices, that the said Goods, or Chattles, were taken by Robbery, or Burglary, or in any other manner, in any other County; whereof, if such person or persons, had been Convicted by a Jury of the said other County, he or they, are Excluded by Vertue of this, or any other Act, from having the Benefit of his, or their Clergy.

And forasmuch, as Theives and Robbers, are much Encouraged to Commit such Offences, because a great Number of persons make it their Trade, and business, to deal in the buying of stolen Goods.

Be it therefore Enacted by the Authority aforesaid, That if any person or persons, shall Buy or Receive any Goods or Chattle, that shall be Feloniously taken or stolen from any other person, knowing the same to be stolen, he or they shall be taken and deemed an Accessary or Accessaries to the Felony after the Fact, and shall incur the same Punishment as an Accessary, or Accessaries to the Felony, after the Felony Committed.

And Whereas, it is a frequent practice for Idle and Disorderly persons, to Hire Lodgings, with an Intent to have an Opportunity to take away, Imbezle, or Purloin the Goods and Furniture, being in such Lodgings.

Be it therefore Enacted and Declared by the Authority aforesaid, That if any person or persons shall take away, with an intent to steal, imbezle, or purloin, any Chattle, Bedding, or Furniture, which by Contract or Agreement, he, or they are to use, or shall be Lett to him, or them to use, in or with such Lodging, such taking, Imbezling, or purloining, shall be to all Intents and Purposes, taken, reputed, and adjudged to be Larceny and Felony, and the Offender shall suffer as in Case of Felony.

And Whereas by the Laws of this Realm, Women Convict of Felony for Stealing of Goods and Chattle, of the value of Ten shillings, and upwards, and for other Felonies, where a Man is to have the benefit of his Clergy, are to suffer Death.

Be it therefore Enacted and Declared by the Authority aforesaid, That where a Man, being Convicted of any Felony, for which he may demand the benefit of his Clergy, if a Woman be Convicted for the same, or like Offence, upon her Prayer to have the Benefit of this Statute, Judgment of Death shall not be given against her upon such Conviction, or Execution, Awarded upon any Outlawry for such Offence, but shall suffer the same Punishment as a Man should suffer, that has the benefit of his Clergy allowed him in the like Case; that is to say, shall be Burn'd in the Hand by the Goaler, in open Court, and further be kept in Prison, for such time as the Justices in their Discretion shall think fit, so as the same do not exceed One Year's Imprisonment.

And forasmuch as such Men who have once had their Clergy, and such Women who shall once have the Benefit of this Statute, may happen to be

be Indicted for an Offence Committed afterwards in some other County.

Be it therefore Enacted. That the Clerk of the Crown, Clerk of the Peace, or Clerk of the Assizes, where such Man or Woman shall be Convicted, shall at the request of the Prosecutor, or any other in His Majesty's behalf, certifie a Transcript Briefly, and in few Words, containing the effect and Tenor of every Indictment and Conviction, of such Man or Woman, of his having the benefit of the Clergy, or her having the benefit of this Statute, and Addition of every such person or persons, and the certainty of the Felony, and Conviction to the Judges and Justices in such other County where such Man or Woman shall be Indicted; which Certificate, being produced in Court, shall be a sufficient Proof that such Man hath before had the benefit of his Clergy, and such Woman hath had the Benefit of this Statute.

And forasmuch as since the late Rebellion in this Kingdom, the stealing of Cows, Sheep, and other Cattle hath been more frequent then heretofore, so as it is become necessary, in Order to prevent the Committing Offences of that kind, that the Benefit of the Clergy should for some time be taken away from such Offenders.

Be it Enacted by the Authority aforesaid, That if any person or persons, shall from, and after the said First day of May, in the Year of Our Lord One thousand Six hundred Ninety eight, Feloniously steal, or take away, any Cow, or Cows, Sheep, or other Cattle, and shall be thereof Convict by Verdict, or Confession, or shall stand mute, and will not Directly answer to the Felony, or shall Challenge

Peremptorily above the number of Twenty perſons, or ſhall be Outlawed thereupon, ſuch perſon or perſons, if ſuch Offence ſhall exceed the Crime of Petty Larceny, or the Cattle ſtolen ſhall be of greater Value then Twelve pence, Sterling, ſhall not be allowed the Benefit of his or their Clergy, but be Wholly Ouſted from the ſame.

Provided always, That this Act ſhall continue, and be in force, as to the ſtealing of ſuch Cow, or Cows, Sheep, or Cattle, for Three Years next enſuing, and no longer.

FINIS.

CHAP. XXXIII.

An ACT for Granting a Supply to His Majeſty, by Raiſing Money by way of a Poll.

An ACT to ſupply the Defects, and for the better Execution of an Act paſſed this preſent Seſſion of Parliament, Entituled, *An Act for the better ſuppreſſing Tories and Rapparees; and for preventing Robberies, Burglaries, and other hainous Crimes.*

CHAP. XXXIV.

WHereas an Act made in this preſent Seſſion of Parliament, Entituled, An Act for the better ſuppreſſing Tories and Rapparees; and for preventing Robberies, Burglaries, and other hainous Crimes: hath not had it's due Effect, by Reaſon there is not in the ſaid Act, ſufficient Proviſion made for prevention of Murthers and Maims, that ſhall, or may be Committed by ſuch Robber, Tory or Rapparee, As alſo, by Reaſon of other Defects in the ſaid Act, and ſome Doubts ariſen on the ſame, and Difficulties in Proſecution thereof.

For Remedy therefore of the ſaid Defects, Explaining the ſaid Doubts, and Rendering the Execution of the ſaid Act more eaſie,

Be it Enacted by the King's Moſt Excellent Majeſty; by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled and by the Authority of the ſame; That where any perſon or perſons, ſhall at any time after the Sixth of November, One thouſand Six hundred Ninety ſeaven, be Murthered, Maimed, or Diſmembred by any Robber, Tory or Rapparee, and the Offender, or Offenders, or the Major part of them ſhall not be Killed, or Apprehended, and brought before ſome Juſtice of the Peace,

Peremptorily above the number of Twenty perſons, or ſhall be Outlawed thereupon, ſuch perſon or perſons, if ſuch Offence ſhall exceed the Crime of Petty Larceny, or the Cattle ſtolen ſhall be of greater Value then Twelve pence, Sterling, ſhall not be allowed the Benefit of his or their Clergy, but be Wholly Ouſted from the ſame.

Provided always, That this Act ſhall continue, and be in force, as to the ſtealing of ſuch Cow, or Cows, Sheep, or Cattle, for Three Years next enſuing, and no longer.

FINIS.

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For Remedy therefore of the ſaid Defects, Explaining the ſaid Doubts, and Rendering the Execution of the ſaid Act more eaſie,

Be it Enacted by the King's Moſt Excellent Majeſty; by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled and by the Authority of the ſame; That where any perſon or perſons, ſhall at any time after the Sixth of November, One thouſand Six hundred Ninety ſeaven, be Murthered, Maimed, or Diſmembred by any Robber, Tory or Rapparee, and the Offender, or Offenders, or the Major part of them ſhall not be Killed, or Apprehended, and brought before ſome Juſtice of the Peace,

or other Magistrate, within Six Callendary Months, next after the committal of such Offence, in Order to his, or their being Prosecuted for the same, according to Law. The respective Grand Juries of the several Counties in this Kingdom, where such Fact shall be committed shall, and are hereby Required, at any Assizes, to be held for such County, within One Year after such Fact committed, to present, and charge upon the Popish, or Protestant Inhabitants of such County respectively, and proportionably according as the Number of such Robbers, Tories, or Rapparees, shall be Papists, or reputed Papists, or Protestants, as is herein after mentioned, the Summs following: (That is to say) in Case of Murther, such Summ or Summs of Money, not exceeding Twenty pounds; and in Case of Maim or Dismembering any person, such Summ or Summs of Money, not exceeding Ten pounds, as such Grand Juries on consideration had, of the Quality of the person Murthered, Maimed, and Dismembered, and circumstances of his Family shall think fit; such Summ, in Case of Murther, to be paid to, and for the Use of the Widow, and Children of the party Murthered; or if he shall not be Marryed at the time of his Death, then to the Use of his Children, or other next Relation: And in case of Maim or Dismembering of any person, then such Summ to be paid to the Use of the person, or persons, so Maimed or Dismembered; or if he shall Dye before the Recovery thereof, then to the Use of his Widow, Children, or other Relations respectively, as is aforesaid, in Case of Murther: The said Summ or Summs not be Assets in the hands of such Widow, Children, or Relations, or liable to answer or satisfie any

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Debt or Debts, of the party Deceased; Which Summ so to be Presented, shall be paid by such, and born by the persons in manner, and according to the proportions following: That is to say, where such Robbers, Tories, or Rapparees are, or shall be Papists, or Reputed of the Popish Religion, by the Papists Inhabitants of such County; and where such Robbers, Tories, or Rapparees are, or shall be Protestants, or Reputed to be of the Protestant Religion, by the Protestant Inhabitants of such County, and where the said Facts shall be committed by Papists and Protestants, then by the Popish and Protestant Inhabitants of such County, in such proportion, and according to the number of such Papists and Protestants, as shall commit the same. For the Levying of which Summ, such Process in the Nature of an Execution, shall Issue on such Presentment against any one, or more of the persons chargeable therewith, and such Contribution had, Tared, and Levyed for his Relief, against all the other persons Chargeable therewith, as is herein-after Appointed in Case of Satisfaction, recovered for Losses, or Injuries suffered by such Robbers, Tories, and Rapparees.

And Whereas the Method appointed by the said former Act, for the person or persons Robbed or Damnified, by such Robbers, Tories or Rapparees, to Recover Satisfaction for such Damage, is Tedious, Difficult, and Chargeable.

Be it Enacted by the Authority aforesaid, That in all Cases where any person or persons is by the former Act, Entituled to Recover Amends, or Satisfaction for any Loss or Damage, Incurred or Suffered by any Robber, Tory or Rapparee; such person shall, or may pursue his Remedy for

for Recovery of such Satisfaction or Amends, at the next Assizes, to be held for the said County, where such Offence was Committed, before the Judge or Judges of Assize, and Grand-Jury of the said County, to be Impannelled, and Sworn at the said Assizes, in the Method following: That is to say, The person or persons so Robbed, shall at the said Assizes, Exhibit and Deliver to the said Judge or Judges of Assizes, his, or their Petition, therein Praying such Satisfaction, and shall set forth in such Petition, the time and place, when, and where, such Robbery was Committed, or other Injury done to him or them, the several particular Goods Lost, or other particular Damages Suffered by him or them, and the particular Value thereof, and by what Number of persons such Robbery was committed, or Injury done, and of what Religion such Offender or Offenders, or any of them were, with the Names and Descriptions of such of the said Offenders as he doth know, and such particular Descriptions of such others of them as he can give; and the said matter shall thereupon be Examined by such Judge or Judges of Assizes, in open Court, in the presence of such Grand-Jury, on the Oath of the party Robbed, or Injured, and such other Evidence as can be produced touching the said Facts, according to the nature thereof, and the said Grand-Jury shall thereupon, and are hereby Required, on Consideration of the said Matter, amongst themselves, to make such Presentment touching the same, and of such Sumn or Summs of Money, as the person or persons so Robbed or Injured, by such Offenders, ought to have, or receive for such

such Loss, Injury, or Damage, and by what persons, whether Papists or Protestants, and in what Proportions for each of them, the same ought to be paid, for which Summ so Presented and Set, Process shall Issue, in the nature of an Execution against any Inhabitant, or Inhabitants of the said County, chargeable therewith, and all and every the Inhabitants of the said County, who shall by such Presentment be made Chargeable with, or Liable to all, or any part of the said Damages, shall be Rateably, and proportionably Tared for, and towards an equal Contribution for relief of such Inhabitant or Inhabitants, against whom such Process, in the nature of an Execution, is had; which Tax shall be Made, Levied and Raised, by such Ways and Means, and in such Manner and Form, as is prescribed and mentioned in a former Statute, Intituled, An Act for the following Hue and Cry, made in the Tenth and Eleventh Year of the Reign of King Charles the First, in this Kingdom.

Provided always, and it is hereby Enacted, That if any person or persons shall find him, or themselves Agrieved, by any Presentment to be made in pursuance of this, or the former Act, such person or persons, in Case the Summ Presented to be Raised, do exceed the Summ of Five pounds, shall or may at the said Assizes Traverse the same, which Traverse shall be Tryed at the same, or the next ensuing Assizes, as the Judge or Judges, who shall allow the same, shall think fit: And if on such Traverse, the Issue shall be found for the Traverser, such Presentment shall be Discharged; and if the Issue shall thereupon be found against the Traverser, he, or they, so Traversing, shall pay to the per-

ſon or perſons, on whoſe behalf the Preſentment was made, the Summ of Twenty ſhillings for the Coſts of ſuch Traverſe, and the ſaid Preſentment ſhall thereupon be final and concluſive to all perſons.

Provided further, and it is hereby Enacted, That where the perſon or perſons ſo Robbed, or Injured, doth intend to proceed to recover Satisfaction for the ſame, at any Aſſizes, againſt the Popiſh or Proteſtant Inhabitants of any Barony, ſuch perſon or perſons ſhall leave notice in Writing, with the High-Conſtable of ſuch Barony, of ſuch his intentions, and againſt what Inhabitants, whether Papiſts or Proteſtants, by the ſpace of Eight days at leaſt, before ſuch Aſſizes; to the end that ſuch High-Conſtable may give publick notice thereof to the Inhabitants of the ſaid Barony, deſigned to be charged therewith, that they may be provided, and have an opportunity to bring Evidence for themſelves, and oppoſe the making ſuch Preſentment, or otherwiſe may Traverſe ſuch Preſentment, after the ſame is made, if they ſhall think fit.

And it is hereby further Provided, That no ſuch Preſentment to be hereafter made, ſhall at any time be removed by Certiorari, or the Proſecution thereupon otherwiſe delay'd, then by ſuch Traverſe, as aforeſaid; and that for ſuch time only, as ſhall be neceſſary for the Tryal of ſuch Traverſe, as aforeſaid; nor ſhall any ſuch Preſentment be at any time quaſhed for any Informality, Imperfection, or Defect in form whatſoever.

Provided further, and it is hereby Enacted, That when, and as often as any of the Goods, for which the party ſo Robbed, hath received Satisfaction by ſuch Preſentment, as aforeſaid, ſhall be diſcovered, ſo as the ſame, or Satis-

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faction for them may be recovered, the person or persons upon whom the Summ so Presented, as aforesaid, was Levyed, shall have the same, and the property thereof, is hereby Declared and Enacted to belong unto, and be Vested in him or them, and he or they shall or may Maintain such Action, and pursue such Remedy for the recovery and getting such Goods, as the person or persons Robbed might have, had or maintained, before such Satisfaction received by such Presentment for the same as aforesaid: Such Goods nevertheless, after the same shall be so gotten or recovered, to be Sold for the Most the same will Yeild, and the Money made by such Sale, after the Charges for the recovery thereof are deducted, to be distributed, and paid equally and proportionably unto, and among the several persons so Tared, towards the payment of the Summ contained in the said Presentment, according, to each of their said several Tarations, towards the relief of the Persons on whom the Summ Presented was Levyed; such Sale and Distribution, to be Directed, Settled and Ordered by the Justice, or Justices of the Peace, Signing such Taration; who are hereby Authorized and Required, to Direct, Settle and Order the same accordingly.

And it is hereby further Enacted by the Authority aforesaid, That the Clerk of the Crown, for the County, where such Presentment shall be made, shall on request to him made, make and deliver to any person or persons, desiring the same true Copies, Signed by him, of all such Presentments hereafter to be made, in pursuance of this or the said former Act; and of all Warrants or Orders for the Levying of any Money grounded thereupon; for each of which,

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there shall be paid to the said Clerk of the Crown the Summ of One shilling only, and no more, and such Clerk of the Crown, is hereby required to make and deliver the same accordingly.

Provided always, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to annul, or make void any Verdict, Judgment, or other Proceedings already had or obtained in pursuance of the said former Act, but that the same shall continue, and be as good, and effectual, to all intents and purposes, as if this Act had never been made, any thing herein contained to the contrary thereof, in any wise notwithstanding.

Provided always, and it is hereby further Enacted, That during the continuance of this and the said former Act, no Action or Sute shall be brought, or prosecuted, for recovery of any Satisfaction or Damages for any Robbery committed, or Loss, or Injury sustained, for which remedy, is given by this, or the said former Act, or any other Law or Statute whatsoever.

And be it further Enacted by the Authority aforesaid, That if any person or persons, who already hath, or hereafter shall commit any Robbery or Burglary, shall while he is at large, and before he shall be Apprehended, or in Custody for such Offence, make Discovery of any Two, or more, of such Robbers, Tories, or Rapparees, being also at large, and not in Custody, so is such Two, or more Robbers, Tories or Rapparees, shall thereupon be Apprehended, and Convicted for such Offence, or shall Kill any Two or more, of such Tories or Robbers as shall be Indicted and Proclaimed according to the said former Act, and be out on their keeping, at the time of such their being Killed, the person

or

or persons so making such Discovery, or Killing such Robbers or Tories, as aforesaid, shall not be prosecuted against, for any Robbery, or Burglary, by him or them committed, before the making such Discovery, or such Killing, as aforesaid; but shall be Intituled unto, and shall have, and receive his Majesty's Gracious Pardon for the same; which Pardon shall in such Case, also be a good Bar to any Appeal, to be brought for such Robbery, or Burglary; and for that it hath, and may be doubted, Whether on the bringing such Proclaimed Tory, Rapparee, or Robber to the Bar, before such Judge or Judges, as are Impowered to Try, and Pass such a Sentence on him, it be requisite to give in Evidence against him, the Original Presentment made by the Grand-Jury, of his being a Tory, Rapparee, or Robber, out on his keeping, according to the intent and meaning of the said former Act: And also it hath, and may be doubted, Whether the Original Proclamation, under the Great Seal, grounded on such Presentment, must be produced in Evidence against him, or Whether the Printed Proclamation Reciting such Presentment to be made, and returned to the Clerk of the Council, of his, the said Tories, Rapparees, or Robbers being so Presented shall be sufficient Evidence at Law, wherein to give Judgment against him.

For clearing Whereof and that for the future so good and necessary a Law, for the Quiet and Preservation of his Majesty's good Subjects against such Proclaimed Tories, Rapparees and Robbers, may not by any such Scruples and Nicities be eluded, or the Execution thereof delay'd.

Be it Enacted by the Authority aforesaid, That at all times hereafter, during the con-

Anuance in Force of this, or the said former Act, the Printed Proclamation, wherein any person is named, or mentioned to be Presented, by a Grand-Jury of any County in this Kingdom, at the General Assizes, or Quarter-Sessions, held for the said County, to be a Tory, Rapparee, or Robber, out on his Keeping, shall be taken, deemed, and adjudged sufficient Evidence against such Tory, Rapparee, or Robber.

Provided That before such Proclamation so given in Evidence, the Clerk of the Council for the time being, or his Deputy, do Certifie under his Hand and Seal, on the Back of such Proclamation, That he hath such Presentment, as by the said Act is required, Returned to him, and remaining in his Office, wherein the said Tory, Rapparee, or Robber is by name Presented, to be a Tory, Rapparee, or Robber, out on his Keeping by the same Name that he is Named, or Stiled in the said Proclamation, and that the said Proclamation was grounded thereon, and that the Original Proclamation, under the Great Seal, agrees Verbatim with the Printed Proclamation, whereon he has Written such his Certificate, which Proclamation, with such Certificate endorsed thereon, the said Clerk of the Council, for the time being, or his Deputy, shall send to the several Clerks of the Crown in this Kingdom, without any Fee or Reward.

And be it further Enacted, That this, and the former Act, shall continue in Force, for Seaven Years, from the Sixth of November, One thousand Six hundred Ninety Seaven, and to the end of the next Session of Parliament, after the Expiration of the said Seaven Years, and no longer.

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An ACT for the Preventing Frivolous, and Vexatious Law-Sutes, and giving Remedy to the Parties Grieved, to Recover their Coſts at Law, in certain Caſes, where heretofore no Coſts where given.

CHAP. XXXV.

WHEREAS it is found by daily Experience, in the Courts at Law, that divers Malicious, and Evil Diſpoſed perſons, on purpoſe, without any juſt Cauſe of Sute, do make ſeveral Innocent perſons, Defendants, joyntly with others, againſt whom they conceive they have good Cauſe of Action; and ſo, tho' ſuch Innocent perſon or perſons, ſo joined in the ſaid Action, ſhall be found (not Guilty) and Accquitted of the ſaid Action; Yet if any of the other Joint Defendants ſhall be found Guilty, and a Verdict paſs againſt them, by the Common Laws of this Realm; ſuch Defendant, or Defendants ſo Acquitted, after all his, or their Trouble and Expence, in Defending ſuch Action, is without Remedy to recover any Coſts of Sute againſt ſuch Plantiffs, for ſuch his, or their unjuſt Veration, contrary to all Reaſon and Juſtice. For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty; by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That from, and after the Firſt Day of May, which ſhall be in the Year of Our Lord God, One thouſand

Six hundred and Ninety eight; if any person or persons, shall be made Defendant or Defendants with others, in any Action, Sute or Plaint, in Trespass Quare Clausum fregit, or Trespass of Assault and Battery, and such person or persons so joyned in such Action, shall upon Tryal of the same, be Acquitted by Verdict, altho' the other Defendant or Defendants, in such Action, shall be found Guilty, and a Verdict pass against him or them therein, every such person and persons so Acquitted, shall have, and Recover his, and their Costs of Sute, for such his, and their unjust Vexation, as if a Verdict had been given against such Plantiff, or Plantiffs, or a Verdict had been given for all the Defendants in such Action, unless the Judge or Judges, before whom such Cause shall be Tryed, shall immediately after the Tryal thereof, in open Court, Certifie upon the Record under his Hand, that there was a reasonable Cause, for the making such person or persons Defendant or Defendants to such Action or Plaint.

And Whereas by the Law, as it now stands, no Costs of Sute can be Awarded, or given to any person or persons, in any Action that shall happen to recover, or have any Judgment given for him upon any Demurrer in Law, by reason whereof many contentious persons, make use of such manner of Delays, on purpose to keep others from their Just Right, or otherwise intending thereby, to Weary them into some small Composition, for what is really due unto them.

For Remedy Whereof, be it further Enacted, That if at any time from, and after the said First Day of May, any person or persons, who shall Commence, or Prosecute any Action, or Plaint, in any Court of Record, whereupon any Demurrer or Demurrers shall be joyned, by

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any Plantiff or Defendant, Demandant or Tenant, in any such Sute or Sutes, he or they for whom Judgment or Judgments shall be given, upon any such Demurrer or Demurrers, shall have and recover, his and their Costs of Sute, to be Awarded by the Court in such like manner, as if such Judgment or Judgments had been given, or recovery had, by such party or parties, upon Action tried by Jury, and Verdict passed for such party therein; and that if any person or persons, from, and after the First Day of May, as aforesaid, shall obtain such, or any other Judgment or Judgments in any His Majesty's Courts of Record in this Kingdom, or any the Courts of the County Palatine of Tipperary, and the person or persons against whom such Judgment or Judgments shall be so given, shall in delay of Execution thereupon, and with intent to annul such Judgment or Judgments, Sue forth any Writt, Writts of Error; and afterwards the said Judgment or Judgments shall be Affirmed, or the said Writt or Writts of Error Discontinued, or the Plantiff or Plantiffs, therein, become Non-sute, that then, and in every such Case, the party or parties against whom such Writt or Writts, shall be so brought, shall recover his and their Costs and Damages, at the discretion of the Justices before whom such Writt or Writts shall be so Sued, and to have Execution for such his or their Damages or Costs, so recovered by Writts of Capias ad Satisfaciendum, Fieri Facias, or Elegit, or any of them, at the Election of such Party or Parties for whom such Damages and Costs shall be so awarded.

And whereas by the Laws of this Realm, no Costs of Sute are Recoverable in any Action of Wast, or Debt, to be brought upon the Statute for not setting forth of Tithes, nor in any Writ of

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Scire Facias, or Prohibition, which hath been found very Mischievous and Prejudicial to the Sutors in such Actions, and to such persons, as for the recovering their just Rights have been Forced to Sue forth the same. For Reformation whereof, for the future,

Be it further Enacted by the Authority aforesaid, That from, and after the First day of May, aforesaid, if any person or persons bring any Action of Wast, or Action of Debt, upon the Statute, for not setting forth of Tythes, in which said several Actions, the Single Value, or Damage Found by the Jury, or Juries, in any such Action, shall not exceed the Summ of Three pounds, the Plantiff or Plantiffs recovering, either by Judgment upon Verdict, or Demurrer in such Action or Actions, shall likewise have and recover his and their Costs of Sute, at the like Discretion of the Justices before whom such Writt or Writts shall be brought, and Judgment or Judgments therein given, as also if any person or persons shall after the time aforesaid, Sue forth any Writt or Writs of Scire Facias or Commence any Sute or Sutes in prohibition and recover, and have Judgment in the same, either by Verdict or upon Demurrer, every such Plantiff or Plantiffs so recovering, shall likewise have, and recover his and their Costs of Sute in such Action or Actions, at the Discretion of the Justices, before whom such Recovery shall be so had; and if it shall happen in any the Sutes, aforesaid, that the Plantiff or Plantiffs in such Action or Actions, shall become Non-Sute, or Verdict, or Verdicts pass against him or them, in such Sute or Action, or he, or they shall discontinue such his or their Sute or Action: Then (in all such Cases) the Defendant or Defendants, in such Action or Actions, shall have and recover his and their Costs

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of Sute in ſuch manner as ſuch Plantiff or Plantiffs ſhould have done, if he or they had Recovered, and had Judgment given for them in ſuch Action or Actions, as aforeſaid, any Law, Cuſtom, Practice, or Uſage to the contrary thereof, in any wiſe notwithſtanding.

And that in all the Actions aforeſaid, where any of the party or parties to the ſame ſhall ſo recover their Coſts of Sute, it ſhall, and may be Lawful to, and for them, or any of them to Sue forth Execution for ſuch his or their Coſts by Writs of Capias ad Satisfaciendum, Fieri Facias, or Elegit, as aforeſaid.

And for the preventing Wilful and Malicious Treſpaſſes, to be brought for the future.

Be it further Enacted that from and after the Firſt day of May aforeſaid, in all Actions of Treſpaſs to be Commenced and Proſecuted in any of his Majeſty's Courts of Record at Dublin; wherein at the Tryal of the Cauſe it ſhall appear, and be Certified by the Judge, or Judges, before Whom ſuch Cauſe ſhall be Tryed under his or their Hands on the back of the Record, that the Treſpaſs upon which any Defendant ſhall be found Guilty, was Wilfully & Maliciouſly committed; In every ſuch Caſe, the Plantiff ſhall not only recover his Damages, aſſeſſed by the Jury, but his full Coſts of Sute, to be Tared for him by the Direction of the Court, where ſuch Action ſhall be Tryed.

Provided nevertheleſs, That no Alteration of the ſame ſhall be made in any the Caſes aforeſaid, where any Executor or Adminiſtrator ſhall be Defendant, in any the Actions, or Sutes aforeſaid, ſo at any time hereafter to be brought againſt them; but that in all ſuch Caſes, they ſhall not be liable, or Subject to payment of any Coſts of Sute, otherwiſe, or in any other manner then as

the Law, now requires.

And for the preventing the Abatement and Discontinuance of Proceſs for the future, in certain Caſes, and the helping the Law in the particulars following.

Be it likewiſe Enacted by the Authority aforeſaid, That in all Actions to be Commenced, or brought in any Court of Record within this Kingdom, from and after the Firſt day of May aforeſaid, if it ſhall happen that any perſon or perſons, being Plantiff or Plantiffs in ſuch Action or Actions, ſhall die after he or they ſhall have obtained any Interlocutary Judgment or Judgments, in ſuch Action or Actions, and before a full and final Judgment or Judgments given therein, the Death of ſuch Plantiff or Plantiffs, ſhall not abate ſuch Action or Actions or hinder the further proceédings of ſuch Cauſe, but that notwithſtanding ſuch dying of ſuch Plantiff or Plantiffs, his or their Executors, or Adminiſtrators, may proceéd to Final Judgment againſt the Defendant or Defendants, in ſuch Action or Actions, as is hereafter ſet forth. (If ſuch Action or Actions, ſhall happen to be ſuch, as by Law may, or might have beén Commenced, or Maintained Originally by any Executor or Adminiſtrator) as ſuch Plantiff or Plantiffs aforeſaid, might have done, if alive. And if it ſhall happen, that in any ſuch Action or Actions, the Defendant or Defendants, in the ſame, ſhall die after ſuch Interlocutary, and before ſuch Final Judgment or Judgments obtained, as aforeſaid, ſuch dying ſhall not abate ſuch Action or Actions, but that then, notwithſtanding the Death of ſuch Defendant or Defendants, it ſhall and may be Lawful to, and for ſuch Plantiff or Plantiffs, in ſuch Action or Actions, if Living, and if Dead, his Exe-

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cutor or Adminiſtrator, to Proſecute ſuch their Action or Actions againſt the Executors or Adminiſtrators of ſuch Defendant or Defendants, and proceed againſt them to Final Judgment therein, as is likewiſe hereafter in that behalf ſet forth and provided, as if the ſaid Defendant or Defendants, themſelves, had been Living; if ſuch Action or Actions be ſuch as may, or might by Law be Originally brought and proſecuted againſt an Executor or Adminiſtrator.

And that in Caſe of the Death of ſuch Plantiff or Plantiffs, as aforeſaid, it ſhall, and may be Lawful to, and for his, and their Executors, or Adminiſtrators, or any of them, to Sue forth, and Proſecute one, or more Writ or Writs of Scire facias, againſt the Defendant or Defendants, in ſuch Action or Actions, if then Living, or if Dead, againſt the Executors, or Adminiſtrators of ſuch Defendant or Defendants, for Reviving and Continuing ſuch Sute, or Sutes, till Judgment final ſhall be given therein; and in Caſe of the Death of ſuch Defendant, or Defendants, as aforeſaid, it ſhall and may be lawful, to, and for ſuch Plantiff or Plantiffs (if living) and if Dead, his or their Executors, or Adminiſtrators, or any of them, in like manner to Sue forth, and Proſecute one, or more Writ, or Writs of Scire Facias againſt the Executors or Adminiſtrators of ſuch Defendant, or Defendants, for Reviving and Continuing ſuch Sute or Sutes, till Judgment final ſhall be given therein, as aforeſaid; the Effect of which ſaid Writ, or Writs of Scire Facias, ſhall be for the party or parties againſt whom the ſame ſhall be Awarded, to ſhew cauſe, why notwithſtanding, ſuch the Death of any the parties to ſuch Sute or Sutes, aforeſaid; The Plantiff or Plantiffs in the ſaid Writ or Writs,

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of Scire Facias, his, or their Executors, or Administrators, should not proceed to Judgment final therein, for the Recovery of such Debt or Damage, for which such Action or Actions, was at first brought. And if at the Return of such Writ or Writs, of Scire Facias, the Defendant or Defendants, named therein shall appear, but not shew sufficient Cause to stay, or Arrest the Judgment final, or in default of such Appearance, it shall be Returned, that such Defendant or Defendants, were duly Warned, or after Two such Writs of Scire Facias returned; it be returned that the said Defendant, or Defendants could not be found in the Bailiwick where such Summons Issued, or that they had nothing in the said Bailiwick, by which they, or any of them could be Summoned, that then, in every such Case, One or more Writ, or Writs of Inquiry of Damage, shall be Awarded for the Plaintiff or Plaintiffs, in such Writ, or Writs of Scire Facias, against such Defendant, or Defendants thereby named; upon return of which said Writ, or Writs of Inquiry, duly Executed, Judgment final shall be given for every such Plaintiff or Plaintiffs, against every such Defendant or Defendants, in such Writ, or Writs of Scire Facias, as aforesaid.

And be it further Enacted, for the Purposes aforesaid, That if at any time after the time Limitted, as aforesaid, Two or more persons shall be Joyntly Plaintiffs in any Action or Actions, against Two or more persons, likewise Joyntly named Defendants therein, the Death or Deaths, of One or more of such Plaintiff or Plaintiffs, or such Defendant or Defendants, shall not abate such Writ or Writs, in such Action or Actions, but that the same being suggested upon the Roll or Record, of such Action or Actions, it shall,

ſhall, and may be lawful to, and for the Surviving Plaintiff or Plaintiffs, in ſuch Action or Actions, to proceed to Judgment againſt the Surviving Defendant or Defendants, in the ſame, as if ſuch Death had not been.

And whereas by the Law, as it now ſtands, if any Action or Sute be Commenced, or brought upon any Bond, or other penal Summ, for performance of Covenants, or other Agreements, in any Deed or Indenture; The party that brings the ſame, can Aſſign only One Breach of Covenant, altho' there are in Truth ſeveral Breaches Committed, of which the party Plaintiff in ſuch Action, can have no Benefit, or Reparation, not withſtanding, that he is really Damnified by Reaſon thereof. For Remedy whereof.

Be it further Enacted by the Authority aforeſaid, That in all Actions, which from, and after the ſaid Firſt Day of May, ſhall be Commenced, or Proſecuted in any of His Majeſty's Courts of Record, in this Kingdom, or any the Courts of the County Palatine of Tipperary, upon any Bond or Bonds, or on any Penal Summ, for Non-performance of any Covenants, or Agreements, in any Indenture, Deed of Writing contained, the Plaintiff or Plaintiffs, may Aſſign as many Breaches of the ſaid Covenants, or Agreements, as he, or they ſhall think fit: And thereupon, it ſhall and may be Lawful, for the Jury, upon ſuch Tryal of ſuch Action or Actions, not only to Aſſeſs ſuch Damages, and Coſts of Sute as have been heretofore uſualy done in ſuch Caſes; but alſo to give Damage for ſuch of the ſaid Breaches, ſo to be Aſſigned, as ſuch Plaintiff or Plaintiffs, upon ſuch Tryal of the Iſſues taken therein, ſhall prove to have been Broken, and that the like Judgment or Judgements ſhall be Entred on every ſuch Verdict or

Verdicts, as heretofore have been usually done in such like Cases. And if it shall happen, that such Defendant or Defendants, shall not Plead to the Issue, but Judgment shall be given against him or them for such Plaintiff or Plaintiffs, upon Demurrer, or by Nihil dicit, Non sum Informatus, Cognovit Action, or the like; then, and in such Case, it shall and may be Lawful, to, and for such Plaintiff or Plaintiffs, to suggest upon the Roll of Record, in such Action or Actions, such, and as many Breaches of the said Covenants and Agreements, as he or they shall think fit upon which said Suggestion, one, or more Writ or Writs, shall Issue, directed to the Sheriff of that County, where such Action or Actions shall be brought to Summon a Jury to appear before the Justice, or Justices of Assize, or Nisi prius, at their next coming into that County, to enquire of the Truth of every one of those Breaches, and such Jury, to Assess the said Damages severally, which the said Plaintiff or Plaintiffs shall have sustained, for every of the said Breaches so Assigned, as aforesaid; in which said Writ, it shall be likewise Commanded to the said Justice, or Justices of Assize, or Nisi prius, before whom such Damages shall be so given, that he or they shall make a full and certain Return of the said Writ or Writs, and the due Execution thereof to the Court from which the same shall so Issue, according to the Exigency thereof, and the time therein mentioned; which said Writ or Writs so returned, shall be Filed, and thereupon Judgment or Judgments, shall be Entred in the said Court on such Return, as in Cases of Writs of Enquiry of Damages, of the like nature. And in Case the Defendant or Defendants, after such Judgment Entred, and before Execution Executed, shall pay into the Court, where the said Action shall be brought, to the use of the Plaintiff or Plaintiffs,

tiffs, his or their Executors, or Adminiſtrators, ſuch Damages ſo Aſſeſſed by the Jury, by reaſon of all, or any the Breaches of ſuch Covenants, together with the Coſts of Sute, that then a Stay of Execution ſhall be Entred upon the Record of the ſaid Judgment, and made accordingly for that time as alſo, whenſoever it ſhall happen, that by reaſon of any Execution Sued forth, and Executed upon ſuch Judgment, the Plantiff or Plantiffs, his or their Executors, or Adminiſtrators, ſhall be fully Satisfied or Paid, all his or their Debt or Damages ſo Aſſeſſed, or the Penalty of ſuch Bond, or Bill penal, at the Election of the Defendant, together with his or their Coſts of Sute, and all reaſonable Charges and Expences for Executing the ſaid Execution; that then, and from thenceforth, the Body, Goods, and Lands of ſuch Defendant, ſhall be diſcharged from ſuch Execution, which ſaid Diſcharge, ſhall likewiſe be Entred upon the Record of the Roll of the ſaid Judgment. Yet it is hereby declared, That notwithſtanding ſuch Diſcharges, or Stay of ſuch Executions, and the Entry or Entries of either, or any of them, as aforeſaid, upon Record, where ſuch Damages do not amount to the Penalty of ſuch Bond or Bill Penal, ſuch Judgment or Judgments, ſhall ſtill remain, continue, and be in full Force, Vigour, and Effect to the purpoſes hereafter mentioned (That is to ſay) As a further Security to anſwer to ſuch Plantiff or Plantiffs, and his, or their Executors, or Adminiſtrators; all ſuch Damages as ſhall, or may be at any time afterwards ſuſtained, for, or by reaſon of any further Breach of any the Covenant or Covenants in ſuch Indenture, Deed, or Writing contained, if any ſuch ſhall happen to be, and no Satisfaction be made for the ſame, as aforeſaid, as far as the Remainder of ſuch Penalty after the payment of the Damage formerly Recovered

vered out of the ſame, will reach; upon which ſaid Breach or Breaches, ſuch Plantiff or Plantiffs may have, and ſhall be at Liberty to Sue forth a Writ of Scire facias upon the ſaid Judgment againſt ſuch Defendant or Defendants, his, or their Executors, or Adminiſtrators, or againſt his Heirs, or Ter-tenants, Grounded upon Suggeſtion of other Breach or Breaches of the ſaid Covenants, or Agreéments, upon the Roll of the ſaid Judgment as aforeſaid; and thereupon to Summon him or them reſpectively to ſhew Cauſe why Execution ſhould not be had or awarded upon the ſaid Judgment; upon which, there ſhall be the like proceédings as was in the Original Action of Debt, brought upon the ſaid Bond or Obligation, for Aſſeſſing of Damages, upon Tryal of Iſſues, Joyned upon ſuch Breaches; or in Caſe of Default upon a Writ of Inquiry thereof to be awarded in manner as aforeſaid.

Provided always, That upon Payment, or Satisfaction to be made of all ſuch future Damages, Coſts and Charges, in manner as aforeſaid, or of ſo much of ſuch future Damages as the Remaining Summ of the Penalty of ſuch Bond or Bill Penal, after Payment and Satisfaction for the Damages formerly recovered will extend unto, together with Coſts of Sute, all further proceédings, or the ſaid Judgment ſhall again be ſtayed, and ſo Toties quoties (as Occaſion ſhall Require) upon every new Breach, the ſaid Judgment to be made uſe of as far as aforeſaid, and no further, and upon Satisfaction made in manner aforeſaid, the Defendant his Body or Goods and Lands to be again Freéd and Diſcharged out of Execution, as aforeſaid.

An

An Act to prevent Frauds by Clandeſtine Mortgages.

CHAP. XXXVI.

WHEREAS great Frauds and Deceits, are too often Practiſed by Neceſſitous and Evil diſpoſed perſons, in Borrowing of Money, and giving Judgments, Statutes, and Recognizances privately, for ſecuring the Re-payment of the ſaid Money; and the ſame perſons do afterwards Borrow Money, upon Security of their Lands, of other perſons, and do not acquaint the latter Lender thereof with the ſame, whereby ſuch latter Lender is very often in danger to loſe his whole Money, or forced to pay off the Debts ſecured by the ſaid Judgments, Statutes, and Recognizances, before they can have any Benefit of the ſaid Mortgages.

And whereas divers perſons do many times Mortgage their Lands more then once, without giving Notice of their firſt Mortgage, whereby Lenders of Money, upon Second, or after Mortgages, do often loſe their Money, and are put to great Charges in Suits, and otherwiſe.

For Remedy whereof, and Preventing the ſame, as much as may be for the Future, May it pleaſe Your Sacred Majeſty, that it may be Enacted.

And be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That if any perſon or perſons, from, and after the Firſt Day of April, which ſhall be in the Year of Our Lord

God, One thouſand Six hundred and Ninety eight, ſhall Borrow any money, or for any other Valuable conſideration, for the payment thereof, voluntarily Give, Acknowledge, Permit, or Suffer to be Entred againſt him or them, One or more Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, to any Perſon or Perſons, Creditor or Creditors; and if the ſame Borrower or Borrowers, Debtor or Debtors, ſhall afterwards Take up, or Borrow any other Summ or Summs of money, of any other perſon or perſons, or for other Valuable conſideration, become Indebted to ſuch perſon or perſons; And for Securing the Re-payment, and Diſcharge thereof, ſhall Mortgage his, her, or their Lands or Tenements, or any part thereof, to the ſaid Second, or other Lender, or Lenders of the ſaid money, Creditor or Creditors, or to any other perſon or perſons in Truſt, for, or to the Uſe of ſuch Second, or other Lender or Lenders, Creditor or Creditors, and ſhall not give Notice to the ſaid Mortgage or Mortgages, of the ſaid Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances in Writing, under his, her, or their hand or hands before the Execution of the ſaid Mortgage or Mortgages, unleſs ſuch Mortgager or Mortgagers, his, her, or their Heirs, upon Notice to him, her, or them, given by the Mortgagee, or Mortgagees of the ſaid Lands and Tenements, his, her, or their Executors, Adminiſtrators, or Aſſigns in Writing, under his, her, or their Hands and Seals, Atteſted by Two or more ſufficient Witneſſes, of any ſuch former Judgment or Judgments, Statute or Statutes, Recognizance, or Recognizances, ſhall within Six Months after ſuch Notice given, pay off, and

Diſcharge

Diſcharge the ſaid Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, and all Intereſt, and Charges, due thereupon, and cauſe, or procure the ſame to be Vacated, or Diſcharged by Record, that then the Mortgager or Mortgagers, of the ſaid Lands and Tenements, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall have no Benefit, or Remedy againſt the ſaid Mortgagée, or Mortgagées, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, or any of them in Equity, or elſewhere, for Redemption of the ſaid Lands and Tenements, or any part thereof, but the ſaid Mortgagée and Mortgagées, his, her or their Heirs, Executors, Adminiſtrators, and Aſſigns, ſhall and may hold, and enjoy the ſaid Lands and Tenements, for ſuch Eſtate, and Term therein, as Were, or Was Granted and Settled, to the ſaid Mortgagée or Mortgagées, againſt the ſaid Mortgager, or Mortgagers, and all perſon and perſons, lawfully Claiming, from, by, or under him, her or them, Freed from Equity of Redemption, and as fully to all Intents and Purpoſes, whatſoever, as if the ſame had been purchaſed abſolutely, and without any Power, or Liberty of Redemption.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons, who have, or hath once Mortgaged, or from, and after the ſaid Firſt Day of April, ſhall Mortgage any Lands, or Tenements, to any perſon or perſons for Security of Money Lent, or otherwiſe Accrued, or become Due, or for other Valuable Conſiderations; and if the ſaid Mortgager or Mortgagers, ſhall again Mortgage the ſame Lands or Tenements, or any part thereof, to any other perſon or perſons, for Valuable

luable Conſiderations, the ſaid former Mort=gage being in Force, and not Diſcharged, and ſhall not diſcover to the ſaid Second, or other Mortgagée or Mortgagées, or ſome, or one of them, the former Mortgage or Mortgages, in Writing under his, or their Hands; that then, and in thoſe Caſes alſo, the ſaid Mortgage or Mortgagers, his, her, or their Heirs, Executors Adminiſtrators, or Aſſigns, ſhall have no Relief, or Equity of Re-demption againſt the ſaid Second, or after Mort-gagée, or Mortgagées, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, upon the ſaid after Mortgage, or Mortgages, but that ſuch Mortgagée or Mortgagées, his, her or their Heirs, Executors, Adminiſtrators and Aſſigns, ſhall and may Hold and Enjoy ſuch, more then once Mort=gaged Lands and Tenements, for ſuch Eſtate and Term therein, as Were, or Was Granted, and conveyed by the ſaid Mortgager or Mortgagers, againſt him, her, or them, his, her, or their Heirs, Executors, or Adminiſtrators reſpectively, Freed from Equity of Redemption, and as fully to all Intents and Purpoſes, as if the ſame had been an abſolute purchaſe, and Without any Power, or Liberty of Redemption.

Provided always, and be it further Enacted by the Authority aforeſaid, That nevertheleſs, if it ſo happen, that there be more then one Mortgage, at the ſame time made by any perſon or perſons, to any perſon or perſons, of the ſame Lands and Tenements, the ſeveral late, or under Mortgagées his, her, or their Heirs, Executors, Adminiſtrators or Aſſigns, ſhall have Power to Redeem any for=mer Mortgage or Mortgages, upon payment of the Principal Debt, Intereſt, and Coſts of Suit, to the Prior Mortgagée or Mortgagées, his, her, or their Heirs, Executors, Adminiſtrators, or

Aſſigns

Aſſigns, any thing herein contained to the contrary thereof, in any Wiſe notwithſtanding.

Provided always, that nothing in this Act contained, ſhall be Conſtrued, Deemed, or Extended, to Bar any Widow of any Mortgager of Lands or Tenements, from her Dower and Right, in, or to the ſaid Lands, who did not Legally Joyn with her Husband in ſuch Mortgage, or otherwiſe lawfully Bar, or Exclude herſelf, from ſuch her Dower or Right.

An ACT for the more eaſie obtaining Partitions of Lands in Coparcenary Joynt-tenancy, and Tenancy in Common, and Bounding and Mearing of Lands.

CHAP. XXXVII.

Whereas the Proceedings upon Writs of Partition, between Coparceners, by the Common-Law, or Cuſtom, Joynt-Tenants, or Tenants in Common, are found by Experience, to be Tedious Chargable, and oftentimes Ineffectual, by Reaſon of the difficulty of Diſcovering the perſons and Eſtates of the Tenants of the ſeveral Manours, Meſſuages, Lands, Tenements, and Hereditaments, to be Divided, and the Defective and Dilatory Executing and Returning of the Proceſs of Summons, Attachment, and Diſtreſs, and other Difficulties and Impediments in Making and Eſtabliſhing of Partitions; by Reaſon of which divers perſons having Un-divided Parts or Par-parts, are greatly Prejudiced and Oppreſſed, and the Premiſes are frequently Waſted, or lye Uncultivated or not Improved, and the Profits of the ſame, thereby, Totally are in a great meaſure Loſt. For Remedy thereof:

Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from the Sixth Day of November, One thousand Six hundred Ninety seaven, and after Process of Summons, or Attachment upon any Writ of Partition Returned, and Affidavit made thereupon by any Sufficient and Credible person, that due Notice in Writing is, or hath been given, of the said Writ of Partition, to the Tenant or Tenants, to the said Writ or Action, and a Copy thereof left with the Occupyer, or Tenant or Tenants, in Possession of the said Lands; or if they, or any of them cannot be found, then to the Wife, Son, or Daughter, being of the Age of One and twenty Years, or upwards, of such Tenant or Tenants, to the said Writ or Action, or Tenant in actual Possession, as aforesaid, by Vertue of any Estate of Freehold for Years, or at Will, or any uncertain Interest, of, or in the said Manours, Lands, Tenements and Hereditaments, whereof the said Partition is so Demanded, unless the said Tenant in Actual Possession, be Demandant in the said Action, at the least Forty Days before the Day of the Return of the said Summons or Attachment; if in such Case the Tenant or Tenants to such Writ, or Tenant in Possession to the Manours, Lands, Tenements and Hereditaments, as aforesaid, or any of them, shall not within the Term after Return of such Writ of Summons or Attachment or the Term following the same, cause an Appearance to be Entred in such Court, where such Writ of Summons or Attachment shall be Returnable, then, and in Default of such Appearance,

ance, the Demandant having Filed his Declaration, the Court may, and shall proceed to Examine the Title of the said Demandant, set forth in his Declaration, and the Content, or Quantity of his Part, or Pur-part of the said Lands and Premises, and according as they shall find his right Part and Pur-part to be, they shall for so much, cause Judgment by Default, to be Entred for the said Demandant, and thereupon Order and Award a Writ, to make Partition, whereby such Proportion, Part and Pur-part, may be set out to him in Severalty; of which said Writ of Execution, Notice shall be given to the Occupier, Tenant or Tenants, of the said Manours, Lands, Tenements and Hereditaments, at least Six Days before the Execution thereof; and the same being after such Notice duly Executed and Returned, and Final Judgment thereupon Entred, the same shall be good, Binding, and Concluſive to all persons whatsoever, and to the several Rights, Titles, and Interests, which they, or any of them have, or shall at any time Claim, or pretend to have in any of the said Manours, Lands, Tenements, and Hereditaments, mentioned in the said Judgment and Writ of Partition so Awarded, as aforesaid, although all persons concerned, are not Named in the Proceedings thereupon, nor the Title of the Tenants to the said Writ truly set forth.

Provided always, That if such Tenant or Tenants, or person concerned, or any of them, against whom, or their Right or Title, such Judgment by Default is given, shall within the space of One Year, after the First Judgment Entred, or in Case of Infancy, Coverture, Non sane Memorie, or Absence out of the Kingdom, then within One Year after his, her, or their

Return

Return, or the Determination of such Inability, apply themselves by Motion to the Court, where such Judgments are Entred, and shew good, and probable matter in Bar of such Partition, or that the Demandant hath not Title to so much as he hath so Recovered; then, and in such Case, the Court may Suspend, or Set aside such Judgment and admit the Tenant or Tenants to appear and Plead, and the cause shall Proceed according to Due Course of Law, as if no such Judgment had been given: And if the Court upon Hearing thereof, shall Adjudge for the First Demandant, then the said First Judgment shall stand Confirmed, and be good against all persons whatsoever Except such other persons as shall be Absent, or Disabled, as aforesaid, and the person or persons, so Appealing, shall be Awarded thereupon, to pay Costs, or if Within such time or times, aforesaid, the Tenants or persons Concerned, Admitting the Demandant's Title, Parts or Pur-parts, shall yet shew to the Court any Inequality in the Partition, the Court may Award a new Partition to be made, in presence of all parties Concerned, and if they will appear, notwithstanding the Return, and Filing upon Record of the former; which said Second Partition Returned and Filed shall be Good, Valid, and Firm for ever, against all persons whatsoever, except, as before Excepted.

And be it Enacted by the Authority aforesaid, That no Plea in Abatement shall be admitted, or received in any Sute for Partition, nor shall the same be Abated by reason of the Death of any Tenant or Tenants thereunto.

And be it further Enacted by the Authority aforesaid, That when the High-Sheriff, by reason of Distance, Infirmity, or any other Hindrance, cannot conveniently be present at the Execution

Execution of any Judgment in Partition, in such Case, the Under-Sheriff, in presence of Two Justices of the Peace of the County, where the Lands, Tenements, or Hereditaments to be Divided, do lie, shall, and may proceed to Execution of any Writ of Partition, by Inquisition, in due Form of Law, as if the High-Sheriff were then personally present; and the High-Sheriff thereupon shall, and is hereby Enabled and Required to make the same Return as if he were personally present at such Execution. And in Case such Partition be Made, Returned, and Filed, he or they that were Tenant or Tenants of any of the said Messuages, Lands, Tenements, or Hereditaments, or any Part or Pur-part thereof, before they were so Divided, shall continue, and be Tenant or Tenants, for such Parts Set out severally to the respective Land-lords, or owners thereof, by, and under the same Conditions, Rents, Covenants, and Reservations, where they are, or shall be so Divided, and the Land-lords and Owners of the several Parts and Pur-parts so Divided, and Allotted, as aforesaid, shall Warrant and make good unto their respective Tenants, the said several Parts severally after such Partition as they are or were Bound to do by any Copy, Lease or Grant of their respective Parts before any Partition made; and in Case any Demandant be Tenant, in Actual Possession to the Tenant, to the Writ or Action, for his Part and Proportion, or any Part thereof in the Messuages, Lands, Tenements, and Hereditaments, to be Divided, by Virtue of a Writ of Partition, as aforesaid, for any Term of Life, Lives, or Years, or uncertain Interest, the said Tenants shall stand and be Possessed of the said Pur-parts, and Proportions, for the like Term and under the same Conditions

and Covenants, when it is set out in severalty, in Pursuance of this, or any other Act, Statute, or Law, to that purpose.

And be it further Enacted by the Authority aforesaid, That the respective Sheriffs, their Under-Sheriffs, and Deputies; and in Case of Sickness, or Disability in the High-Sheriff, all Justices of the Peace within their respective Divisions, shall after convenient Notice, give Due Attendance to the Executing such Writ of Partition, unless reasonable Cause be shewn to the Court upon Oath, and then Allowed of, or otherwise be liable every of them to pay unto the Demandant such Costs and Damages, as shall be Awarded by the Court, not Exceeding Five pounds, for which the Demandant, or Plantiff, may bring, his Action in any of his Majesty's Courts of Record at Dublin, wherein no Essoyn, Protection, Priviledge, or Wager of Law shall be Allowed, or more then One Imparlance. And in Case the Demandant do not Agree to pay unto the Sheriff or Under-Sheriff, Justices and Jurors, such Fees as they shall respectively Demand for their pains and Attendance in the Execution of the same, and Returning thereof; then the Court shall Award what each person shall Receive, having respect to the Distance of the place, from their Respective Habitations, and the time they must necessarily spend about the same, for which they may severally bring their Actions as aforesaid.

Provided, that this Act shall continue in force for Seaven Years, and from thence to the end of the next Session of the next Parliament, and no longer.

And whereas many Inconveniencies, and Law-Suites, have heretofore Arisen, and may hereafter

hereafter Arise, by Reason the Bounds of the several Proprieties of Lands within this Kingdom, are not sufficiently Distinguished, by certain and known Weares.

For prevention whereof, and for the better carrying off the Water, and Draining the Bogs, and Wet Lands, and Improving the same.

Be it Enacted by the Authority aforesaid, That where the Weares of Lands, between Propriety and Propriety, have, or shall hereafter be set out, or Ascertained by a Writ of Partition, Perambulation, or otherwise, the same shall at Equal Charge of the Proprietors thereof or their Tenants, be Inclosed with good Ditches, where Earth sufficient may be had to make the same, and therein one or Two Rows of Quick-sets shall be Planted; and where Earth shall be wanting, such other Fences shall be made, as the nature of the Soil shall permit. And where Lands are Leased for a long term, it may seem Unequal to lay the charge of such Ditches & Fences on the Landlords.

Be it therefore Enacted, that where Lands are Held in Fee-farm, or for Lives Renewable for ever, or for a Term of Sixty Years, to run from the Sixth Day of November, One thousand Six hundred Ninety seaven, there the Charge of making the Weares, or Fences, as aforesaid, shall be intirely born by the Tenant; and where Lands are Leased for Lives, wherein Three Lives shall be Current, or for Years, where Twenty One Years shall be Unexpired, at, or upon the said Sixth day of November, One thousand Six hundred Ninety seaven, there the said Weares shall be Inclosed at the Equal Charge of Landlord and Tenant; and where Lands are Leased for any lesser time, or Term, the Bounds shall

be

be Inclosed at the Sole Charge of the Landlord.

Provided, That nothing in this Act Contained, shall be Taken, or Construed to be Taken, to make Void any Covenants heretofore made between Landlord and Tenant, Relating to the Inclosing of Wears.

And be it further Enacted by the Authority aforesaid, That whatsoever person or persons, Chargeable by this Act, with the Fencing and Closing of their Bounds, as aforesaid, who shall not have Actually done the same within Six Months after such Partition made, shall Forfeit for his, or their neglect, One Year's Value of the said Land, One Moyety thereof, to the use of the Poor of the Parish, where such Lands shall lie, and the other Moyety to him, or them, that will Sue for the same: And if the person or persons, Chargeable with the Inclosing his Wears, as aforesaid, shall further neglect to do the same within One Year, he, or they, so Offending against this Act, shall Forfeit Two Years Value of the said Lands, to be Paid and Recovered in manner aforesaid.

And it is hereby further Enacted by the Authority aforesaid, That all Wearing, Fences Ditches and Drains, made, or hereafter to be made, be, and shall from time to time, and at all times hereafter, at the Equal Charge of the Tenants, and Occupiers of the said Lands, be kept open Scoured and Cleansed, that the Water may not stand, but pass away, and that whatsoever person or persons shall refuse or neglect to do the same, shall Forfeit for such refusal and neglect, One Year's Value of the said Land, to be Recovered in such manner, and to such Uses, as is herein before Expressed.

An

An Act for avoiding of Vexatious Delays, cauſed by Removing Actions and Sutes out of Inferior Courts.

CHAP. XXXVIII.

WHEREAS there now are, and long time have bẽn divers Courts of Record, and divers Cities, Liberties, Towns Corporate, and elſewere, ſome of them being far remote from Dublin, Which were principally obtained for the Eaſe and Quiet of ſuch as ſhould have occaſion to Sue there for Debts and Wrongs, ſo that they might with ſmall Expences, Receive Juſtice according to the Merits of their Cauſes in thoſe Inferior Courts, without being Compelled to Travel to Dublin; but of late divers of His Majeſty's Subjects, having for Juſt and True Debts, and other Good and Lawful Cauſes commenced Sutes in ſuch Inferior Courts and Proſecuted their Actions and Sutes many times ready for Tryal, and the ſame Cauſes being for the moſt part of ſmall value, have bẽn Removed into ſome of His Majeſty's Courts at Dublin, and being remanded by Procedendo, into the ſame Inferior Courts, where the Action or Sute was firſt commenced, the ſame having bẽn again often times Removed into the ſame, or other of His Majeſty's Courts at Dublin, to the Intollerable delay of Juſtice, and great Expences of Money, and Loſs and Trouble to thoſe which Juſtly and Honeſtly, by ſuch Actions and Sutes, have ſought only to Recover, or get Satisfaction for Debts, Duties or Wrongs Owing, Due or Done unto them. For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That no Writ, or Writs of Habeas Corpus, Certiorari, or any other Writ or Writs, Proceſs or Proceſſes whatſoever, other then Writs of Error or Attaint, to be Sued forth after the Twentieth Day of November next, which Will be in this preſent Year of our Lord, One thouſand Six hundred Ninety ſeaven, by any perſon or perſons whatſoever, out of, or from any of His Majeſty's Courts at Dublin, or out of any other Court or Courts, having, or pretending to have power to Award ſuch Writs or Proceſſes to ſtay or remove any Action, Bill, Plaint, Sute or Cauſe, Brought, Commenced, or Depending, or hereafter to be Brought, Commenced, or Depending in any Court or Courts of Record, within any City, Liberty, Town Corporate, or elſewhere, which have, or ſhall have Juriſdiction, Power or Authority, to hold Plea in that Action, Bill, Plaint, Sute or cauſe, the ſame cauſe of Action, Bill, Plaint, or Sute ariſing, or growing within the ſaid City, Liberty, Town Corporate or Juriſdiction, ſhall after the ſaid Twentieth day of November next, be Received or Allowed, by the Steward, Judge or Judges, or Officer or Officers of the Court or Courts, wherein or to whom any ſuch Writ or Writs ſhall be Directed and Delivered, but that he and they ſhall and may proceed in the ſaid Cauſe or Cauſes, as though no ſuch Writ or Writs were Sued forth, or Delivered to him or them, Except that the ſaid Writ or Writs be Delivered to the Steward or Stewards, Judge or Judges, Officer

or

or Officers of the ſaid Court, before Iſſue or Demurrer, joyned in the ſaid Cauſe or Cauſes ſo Depending, or to be Depending in ſuch Court of Record, in any City, Liberty, Town Corporate, or elſewhere, having Power to hold ſuch Plea, ſo as the ſaid Iſſue and Demurrer be not joyned in Six Weeks next after the Arreſt or Appearance of the Defendant or Defendants, to ſuch Action or Suit commenced.

And be it further Enacted by the Authority aforeſaid, That if any ſuch Action, Bill, Plaint, Suit, or Cauſe, which is, or ſhall hereafter, be brought, Commenced, or Depending in any ſuch Court of Record in any City, Liberty, Town Corporate, or elſewhere, ſhall after the ſaid Twentieth Day of November next, be removed or ſtay'd by any ſuch Writ or Writs, Proceſs or Proceſſes, to be Sued forth out of any of His Majeſty's Courts at Dublin, or any other Court as aforeſaid: That if afterwards the ſame Action, Bill, Plaint, Suit or Cauſe, ſhall be remanded or ſent back again by any Writ or Writs of Procedendo, or other Writ whatſoever; that then the ſaid Action, Bill, Plaint, Suit, or Cauſe, ſhall never afterwards be removed or ſtay'd before Judgment, by any Writ or Writs whatſoever, to be Sued forth out of any of His Majeſty's ſaid Courts, at Dublin, or any other Court, as aforeſaid, any Law, Statute, Cuſtom, Uſage, or Reſtraint to the contrary thereof, in any wiſe notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That if any Action, Bill, Plaint, Suit, or Cauſe, not concerning Free-hold, or Inheritance, or Title of Land, Leaſe, or Rent, which ſhall be Brought, Commenced, or Depending in any ſuch Court of Record, or any

City,

City, Liberty, Town Corporate, or elſewhere, if it ſhall appear, or be laid in the ſaid Declaration, that the Debt, Damages, Things Demanded, doth or ſhall not Amount to, or exceed the Summ of Five Pounds, that then ſuch Action, Bill, Plaint, Sute, or Cauſe, ſhall not be ſtay'd, nor be removed into any of His Majeſty's Courts at Dublin, or other Court as aforeſaid, by any Writ or Writs whatſoever to be Sued, or Proſecuted forth, or out of His Majeſty's ſaid Courts at Dublin, or other Courts, as aforeſaid, other then Writs of Error, or Attaint, any Law, Statute, Uſage, Cuſtom or Reſtraint to the contrary, in any Wiſe notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That if any Writ or Writs whatſoever, ſhall be after the ſaid Twentieth Day of November next, Granted or Sued forth, out of any his Majeſty's Courts at Dublin, or other Court, contrary to the meaning of this preſent Act; that then it ſhall, and may be Lawful to, and for the Judge or Judges, and Officer or Officers, to whom ſuch Writ or Writs ſhall be Delivered, to Diſallow, and Refuſe the ſame, and to Proceed as if no ſuch Writ or Writs, had been Granted, or Sued out, or forth, as aforeſaid, any Law, Statute, Uſage, Cuſtom, or Reſtraint, to the contrary in any Wiſe notwithſtanding.

And whereas ſome perſons have doubted, whether an Act made in the Tenth Year of the Reign of King Charles the Firſt, Intituled, An Act for Expedition of Juſtice in Caſes of Demurrers, &c. And one other Act made in the ſaid Tenth Year of the ſaid King Charles the Firſt Intituled, An Act for the Reformation of Jeofailes, &c. Extend to Inferior Courts of Record.

And whereas an Act made in the Thirty Third

Third Year of the Reign of King Henry the Eighth, Intituled, An Act touching Miſ-impleading and Jeofailes. And an other Act made in the ſaid Tenth Year of the ſaid King Charles the Firſt, Intituled, An Act for avoiding Unneceſſary Delays of Execution: And an other Act made in the Seaventeenth and Eighteenth Years of King Charles the Second, Intituled, An Act to prevent Arreſts of Judgment, and Superſeading Executions, are found by Experience to be Good and Beneficial Laws, but do not Extend to the ſaid Inferior Courts; To the end therefore, that all His Majeſty's Subjects may have the full Benefit and Advantage of ſo Good Laws.

Be it Enacted by the Authority aforeſaid, That all the ſeveral above-mentioned Acts, ſhall from the ſaid Twentieth Day of November next, be, and be Conſtrued to be in Force, in all Inferior Courts of Record in this Kingdom, and ſhall be as Effectual, and as duly obſerved in all the ſaid Inferior Courts, as if the ſaid Inferior Courts had been particularly named and expreſſed in the ſeveral above-mentioned Acts.

And whereas in County Courts, Manor Courts, and other Inferior Courts, where ſmall Actions of Debts and Damages, under Forty Shillings are Tryed, ſufficient Encouragement cannot be given to Attorneys, or other perſons Skilled in the Law of this Realm, to practice, ſo that the Pleadings and Procedings in the ſaid Courts, are not ſo Formal as by Law they ought to be, for the Eaſe of the Subject.

Be it Enacted by the Authority aforeſaid, That in all the ſaid Inferior Courts, which have Power to Try Actions under Forty Shillings, and no more, that the Procedings and Pleadings may be in Engliſh, and ſhall not for

that or any other Defect in Form, be Quashed or Vacuated if the same be Removed by Writ of False Judgment, or otherwise, into any of His Majesty's Courts of Record, any Former Law, Custom, Statute, or Usage to the contrary notwithstanding.

An ACT for Redress of certain Abuses in Making Pewter and Brass.

CHAP. XXXIX.

WHEREAS there is much Pewter and Brass, Made, Wrought, and Vended within this Kingdom, which is not of such Fine Metal, and such perfect Goodness as the same ought to be; and is Made, Wrought, and Vended oftentimes by very Unskillful persons, who understand not the True Making and Working of such Metals or by other persons, who use the said Art Deceitfully, all which Tends much to the Prejudice of His Majesty's Subjects, who have occasion to Buy, and make Use of Pewter and Brass: For Remedy whereof.

Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the First day of January next, which will be in the present Year of Our Lord, One thousand Six hundred and Ninety seaven, no person or persons, using the Craft or Trade of Pewterers and Brasiers, or who Buy, Sell, Trade, or Deal in the same, within this Realm, shall

ſhall Sell or Change, any Pewter or Braſs, New or Old, at any place or places, ſave only in open Faires and Markets, or in their own Publick Shops and Dwelling Houſes, upon pain that every perſon and perſons, Acting contrary hereunto, ſhall for every ſuch Offence, Forfeit and Loſe the Summ of Forty Shillings, the one half to go, and be to the uſe of the Poor of the Pariſh, where ſuch Offence ſhall be Committed, the other half to the perſon or perſons, that ſhall Seize, Find, or Proſecute for the ſame.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons, from and after the ſaid Firſt day of January next, ſhall at any place or places, within this Realm, Caſt, Make or Work any new Pewter, or Braſs Veſſel, but ſuch as ſhall be of as good Fine Metal, as is the Pewter and Braſs, Caſt and Wrought after the perfect Goodneſs required for the ſame, within the City of London, upon pain of Forfeiture of all and every ſuch Pewter and Braſs Veſſel and Veſſels ſo Caſt, Made, and Wrought contrary thereunto, the one half of ſuch Forfeiture to be to the uſe of the Poor of the Pariſh, where ſuch Offence ſhall be Committed, the other half to the uſe of the Finder, Diſcoverer and Proſecutor for the ſame, which ſaid Offences ſhall be Examined, Heard and Determined in all Cities, and Corporate Towns, by, and before the Mayor, Bailiff, Soveraign, Portreéve, or other head Officer of ſuch City, or Town Corporate, and in all other places, by and before two Juſtices of the Peace of the reſpective Counties, where ſuch Goods ſhall be ſo Seized, as aforeſaid, who are hereby Authorized and Required, to Examine the ſaid Matters, on Oath of One or More Witneſſes,

Witneſſes, which Oath they are hereby Authoꝛized to Adminiſter, and to Hear, Determine, and give Judgment thereupon, foꝛ the Foꝛfeiture of ſuch Goods, to the Uſes afoꝛeſaid, oꝛ otherwiſe foꝛ Diſcharging and Reſtoꝛing the ſame, as they ſhall ſee cauſe; which ſaid Judgment ſo given, ſuch Mayoꝛ, Bailiff, Juſtices of the Peace, oꝛ other Officer, are hereby Required to Return, and Certifie to the Juſtices of the Peace, at the nert Quarter-Seſſions, to be held foꝛ ſuch City, Town Coꝛpoꝛate, oꝛ County reſpectively, to the Intent that the ſame may be there Entred of Recoꝛd.

Pꝛovided always, That no Pewter and Braſs, ſhall be ſo Seized oꝛ Foꝛfeited, ſave only ſuch as ſhall at the time of ſuch Seizure, be in the poſſeſſion of ſome Pewterer oꝛ Braſier, oꝛ other perſon uſing the ſaid Trade oꝛ Miſtery, oꝛ Selling ſuch Pewter oꝛ Bꝛaſs, oꝛ of ſome perſon oꝛ perſons in Truſt foꝛ him oꝛ them, and not ſuch as ſhall be in the poſſeſſion of any other perſon not uſing ſuch Trade oꝛ Miſtery, as the pꝛoper Goods of ſuch other perſon.

And be it further Enacted by the Authoꝛity afoꝛeſaid, That no manner of perſon oꝛ perſons, of what Degree oꝛ Condition ſoever, he oꝛ they be, from and after the ſaid Firſt day of January nert ſhall make any Hollow Wares, That is to ſay, Salts and Pots, oꝛ the like of Pewter called Lay-Metal, which ſhall be of courſer oꝛ woꝛſe Metal then accoꝛding to the Aſſize of Lay-Metal Wꝛought within the City of London; and that the Makers of ſuch Wares, ſhall make the ſame Wares, with ſeveral and particular Marks of their own, to the intent, that the Makers of ſuch Wares ſhall avow the ſame, and ſuch Wares may appear to be made by them, and that all and every ſuch Wares not ſo ſufficiently Made,

Wrought

Wrought, or Marked in Form aforesaid, found in the possession of the same Maker or Seller, shall be Seized as Forfeited; and if the same Ware be Sold before such Seizure, then the said Maker shall Forfeit the Value of the same Ware so Unlawfully Wrought and Sold, the One half of such Forfeiture, to be the Use of the Poor of the Parish where such Offence shall be Committed, and the other half to the Use of the Finder or Finders, Searcher, and Prosecutor for the same; such Offences to be Examined, Heard, and Determined as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any person or persons, after the said First Day of January next, Using, Buying, and Selling, of Pewter and Brass, shall have, or make use of any Deceitful, or False Beams, or Weights, such person or persons, shall for every such Offence, Forfeit the Summ of Five Pounds, the one half to the Poor of the Parish where such Offence shall be Committed, the other half to the person or persons, Finding, Discovering & Prosecuting for the same, such Prosecution to be before such respective persons, and in like manner, as for the other Offences, against this Act before mentioned; And such persons are hereby respectively Authorized and Required, to Act therein, as in cases of such other Offences; and if the said Offender or Offenders, shall not be sufficient to pay the said Summ or Summs, so by him or them Forfeited, that then it shall, and may be Lawful, to, and for such person or persons respectively, before Whom such Offences shall be Tryed, to put such Offender in the Stocks, for the space of Two Hours, and after to continue him in Custody, until the next Market Day, for the place where such Offence

ſhall be committed, and than in the open Market place, during the chief time of ſuch Market, to put, and continue him with his Head in the Pillory, for the ſpace of one Hour.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to, and for the Maſter and Wardens, of the ſaid Crafts of Pewterers and Braſiers, within every City and Burough, within this Realm, where ſuch Maſter and Wardens are; and where ſuch Maſter and Wardens are not, then to, and for the Head Officer, and Magiſtrates of the ſaid City and Burough, to appoint certain perſons moſt expert in knowing of the ſame, to make Search in Cities and Buroughs where they dwell, for and after ſuch Offenders and him or them to Apprehend, or Cauſe to be Apprehended; and alſo to Seize ſuch Goods as they ſhall juſtly ſuſpect to be made contrary to this Act, and Lyable to be Seized by Vertue thereof, and forthwith to bring ſuch Offenders and Goods ſo Apprehended and Seized, before the reſpective perſons hereby Required to Hear, and Determine ſuch Offences, in Order to their further Procedure thereupon, according to the directions of this Act: And the Juſtices of the Peace within every Shire, or County of this Kingdom are hereby Authorized and Required, at the General-Seſſions of the Peace, to be held for their reſpective Counties, at Michaelmas in every Year to Aſſign and Appoint, Two certain perſons, having Experience in ſuch Goods, to make Search in the Premiſes, in every part of the ſaid Shire or County, as well within Franchiſes, as without, except in Cities or Buroughs, where perſons are appointed for that purpoſe, by the Head Officers, or Governour of the ſame, and to Seize ſuch Offenders, and Goods, and bring the ſame before ſuch Juſtices of the Peace, who is hereby Required, to Hear and Determine ſuch Offences, in Order to their further Procedure thereon, as aforeſaid; and that in default of the Maſter and Wardens, or other the perſons to be Appointed, according to this Act, of Searching in manner aforeſaid, it ſhall and may be lawful, to, and for any other perſon or perſons having Cunning, and knowledge in the ſaid Occupation, by over-ſight of the Mayor, Bailiff, and Head Officers of the ſaid Cities and Buroughs, to Search all the aforeſaid places, for any of the aforeſaid Unlawful Metals, and Unlawful Weights, in order to the putting of this preſent Act in due Execution.

An

An Act for the more Easie and Speedy Securing, and Recovery of Small Debts.

CHAP. XL.

WHereas nothing would conduce more to the Advancement of Trade, Commerce, and Industry in this Kingdom, then that an Easie, and Summary way, for the Recovery, and Securing of Small Debts, might be found, whereby an Universal Credit might be Established among the Trading people of this Realm, without the necessity of Tedious, and Costly Sutes of Law. May it therefore please your Majesty, that it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty; by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled and by Authority of the same; That in every County, and every County of a City, and County of a Town, in this Kingdom of Ireland; some person before the First Day of February, in this present year of Our Lord, One thousand Six hundred Ninety seaven, be appointed by His Majesty, or by the Lord Lieutenant, Lord Deputy, Lord Justice, or Lords Justices, or other Chief Governour or Governours of this Kingdom for the time being, to be Register in each County or County of a City, or County of a Town; which said person so Appointed, shall be a Resident, or Inhabitant, for the most part, in such County respectively wherein he shall be, as herein after Employed and shall enter into Recognizance, of Five hundred pounds Sterling, before some one of the Judges of either Bench, or Barons of His Majesty's Court of Exchequer, or before the Justices of the Peace at the next Quarter Sessions, to be holden for the said County, for the due Execution of his Office; Which said Recognizance, shall be Filed of Record in His Majesty's Court of Exchequer, in this Kingdom, some time before the last Day of the Ensuing Term, after such Recognizance shall be acknowledged: And that every such Register, of any such County, as aforesaid, shall and may by the Authority of this Act, have Power to Appoint One, or more Deputy, or Deputies, to Officiate under him in such County respectively.

And be it further Enacted by the Authority aforesaid, That every such Register, and Deputy or Deputies, before he, or they, shall take upon him, or them respectively, the Execution of the said Office, shall take the following Oath before some One,

or more of the Juſtices of the Peace of the ſaid County or County of a City, or County of a Town, or before the Chief Magiſtrate of ſuch Town, or Corporation, or his Deputy, where ſuch Regiſter ſhall keep his Office, (viz)

I A. B. do Swear, that I will according to the beſt of my Skill and Cunning, duly and faithfully execute the Office of Regiſter (or Deputy Regiſter) in this County, according to an Act of Parliament, Intituled, **An Act for the more Eaſy and Speedy Securing, and Recovery of Small Debts**, and that I will not Directly, nor Indirectly, demand, take, or receive any manner of Fee Reward, or Gratuity, by reaſon, or Colour of my Office, other then ſuch Fees as are allowed by the ſaid Act. *So help me God.*

And ſhall then likewiſe take the Oaths, and Subſcribe the Declaration mentioned and contained in an Act of Parliament made in England, in the Third Year of the Reign of His preſent Majeſty, and the late Queen Mary. Intituled, An Act for the Abrogating the Oath of Supremacy in *Ireland*, and Appointing other Oaths, Which ſaid Oath of Office, and other Oaths, and Declaration, the ſaid Juſtice or Juſtices of the Peace or other Chief Magiſtrate of ſuch Town or Corporation, or his Deputy, are hereby Authorized, Impowered, and Required to Adminiſter. And further, that every ſuch Regiſter, Deputy, or Deputies aforeſaid, upon the Pain, Penalty, and Forfeiture of his, or their reſpective Office or Offices, ſhall take the aforeſaid Oath of Office, and the aforeſaid Oaths, and Subſcribe the Declaration at the next Quarter-Seſſions, or the next Aſſizes to be holden for the ſaid County, or County of a City, or County of a Town, which ſhall firſt happen in Open Court, between the Hours of Nine and Twelve, in the Morning which ſaid Oaths reſpectively, and Declaration, the ſaid Judges of Aſſize or Juſtices of the Peace at their reſpective Seſſions, are hereby Authorized, Impowered and Required to Adminiſter.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid Firſt day of February next, every perſon and perſons having any Bond or Bill, under Hand and Seal, for any Summ or Summs of Money, not exceeding Ten pounds, principal Money, which ſaid Bond, or Bill, being acknowledged before any perſon who is a Juſtice of the Peace in this Kingdom, or before the Chief Magiſtrate of any Town Corporate, and ſuch Juſtice of the Peace, or Chief Magiſtrate, or his Deputy, Certifying ſuch Acknowledgment, which acknowledgment, every Juſtice of the Peace of this Kingdom, and every Chief Magiſtrate of any Town Corporate, or his Deputy, are by the Authority of this Act, Impowered and Re-

Required to take a Certificate under their reſpective Hands and Seals, to make, and deliver, to the party and parties intereſted in ſuch Bond, or Bonds, Bill, or Bills which Certificate and Bond, or Bill, being brought to the Regiſter, or his Deputy, of ſuch County, County of a City, or County of a Town, wherein ſuch perſon is a Juſtice of the Peace, or Chief Magiſtrate of a Town Corporate, or his Deputy, ſuch Regiſter, or his Deputy, or Deputies, or one of them, ſhall in a Book to be kept for that purpoſe, make an Entry of the ſaid Bond, or Bill, and Acknowledgment, at large, as alſo the Receipts and Tranſfers, thereon endorſed, if any be, and from and after ſuch Entry, the perſon or perſons who perfected the ſame, his and their Goods and Chattles perſonal, ſhall be thereby Bound and Liable to the ſaid Debt and Intereſt, from the day of Payment, in like manner, as if the ſame had been a Judgment at Law.

And to the end there may be no Miſtakes or Controverſies, for or concerning the ſaid Bonds, or Bills in relation to the Wording thereof.

Be it further Enacted by the Authority aforeſaid, That all ſuch Bonds or Bills as ſhall be Regiſtered in purſuance of this Act, ſhall be Printed and Stamped with His Majeſty's Arms, and and be in the Form following; That is to ſay.

KNow all men by theſe preſents, that of in the County of do Acknowledge my ſelf to ſtand juſtly Indebted unto of in the County of in the Full and Juſt Summ of pounds *Sterling*, to be paid to the ſaid His Executors, Adminiſtrators, or Aſſigns, at, or before the day of to the which payment, I Bind my ſelf, my Heirs, Executors and Adminiſtrators; and in default of Payment thereof, I do conſent, that Execution ſhall Iſſue againſt my Body, Goods and Chattles perſonal: Witneſs my Hand and Seal, this day of

And in Caſe that there be Two or more perſons Bound in the ſaid Bond, the ſaid Printed Bond ſhall be Printed and made ſo, as to comprehend them, and to Bind them Joyntly, and ſeverally. And to the end, Forged and Counterfeit Bonds, or Bills, may be prevented, and the Subjects of this Land, ſufficiently provided with the ſaid Bonds, or Bills ſo Printed and Stamped, at Eaſy and Moderate Rates.

Be it Enacted by the Authority aforeſaid, That every Regiſter of any County, or County of a City, or County of a Town, ſhall provide in every Market-Town, within their reſpective Limits and Precincts, a ſufficient quantity of ſuch Blank Bonds, or Bills for Sale, Stamped with the King's Arms, and the

the name of the County, whereof such person shall be Register: And that no person or persons whatsoever, shall Expose to Sale in any such Market-Town, as aforesaid, any Stamped Printed Bonds, or Bills, other then such as shall be Stamped, by the said Register, or his Deputy, or Deputies, upon the penalty of Forfeiting Ten pounds for each Offence, to such Register, to be Recovered by such Register, thereby Injured, by Action of Debt, Bill, Plaint, or Information wherein no Essoin shall be Allowed, or more then one Imparlance.

Provided always, And be it further Enacted and Declared by the Authority aforesaid; That no person or persons, shall be obliged to pay more then one penny for each of such Bonds or Bills.

And be it further Enacted by the Authority aforesaid; That the Words used by the party or parties, Transferring of the said Bonds or Bills, shall be these, or to the like Effect following That is to say,

I A. B. do Transfer this Bill to C. D. as Witness my Hand, this day of *Anno Domini.*

And in Case there be Two or more Obligées, then the said Transferrer shall be in their Names, with proper Words to the Effect and Purport aforesaid, Mutatis Mutandis.

And be it further Enacted by the Authority aforesaid, That if any person or persons, stand Indebted by such Bond or Bill Acknowledged and Entred, as aforesaid, and shall refuse to pay, such Debt or Debts, at the time the same shall become Due and Payable; Or at any time afterwards, such Creditor or Creditors, making Oath; that the Money Due thereon, hath been Demanded, and the Bond or Bill, Tendred to the party or parties Indebted, his, or their Executors, or Administrators, at his, or their place or places of Aboad, or Residence, the said Oath to be made before the Justices of the Peace, at the Quarter-Sessions, to be holden for the County, County of a City, or County of a Town, where the said Bond, or Bill, is Entred in open Court between the Hours of Nine and Twelve in the Morning; Which Oath, the said Justices of the Peace, are hereby Impowered, and Required to Administer; and which Oath the said Register, or his Deputy are Required to Receive and Enter; then the said Register, or his Deputy, at the same Quarter-Sessions of the Peace, or at any other Quarter-Sessions to be holden for the said County, at any time within One Year after the said Money shall become due and payable, upon the Delivery to him the said Register or his Deputy of the said Bond or Bill shall Issue a Warrant of Execution under his Hand

Hand, and Seal of Office, Directed to all and every the High-Sheriffs, Coroners, Bailiffs, Seneschals, Stewards, and High-Constables of this Kingdom, against the person or persons, his or their Executors, or Administrators Owing the said Money or his and their Goods and Chattles personal for the Recovery, and Levying of the said Money, together with the Interest which shall then be Due; as also the Costs and Fees, for Entring of the said Bond or Bill, and for the Warrant of Execution, and other Fees, according to the Directions and Limitations, herein-after mentioned and expressed.

And to the end, all Disputes and Controversies for, and concerning the payment, and Discharge of such Debt or Debts, for, or on Account of such Bonds or Bills may be prevented.

Be it further Enacted by the Authority aforesaid, That no payment or payments, shall be Esteemed, Valid, for or on Account of such Bonds or Bills unless the same be Entred on the back of the said Bond or Bill, by the party or parties, Interested therein, at the time of Entring of such payment or payments.

And be it further Enacted by the Authority aforesaid, That the Sheriffs Coroners, Bailiffs, Seneschals, Stewards, and High-Constables, who shall have the Execution of the said Warrants, in their respective Counties, County of a City, or County of a Town, Precincts, and Liberties, shall have full Power and Authority, upon the Delivery of such warrant or warrants, to them respectively, and are accordingly hereby required to Arrest, and take the Body or Bodies, of the Person or Persons, against whom the said warrants of Execution shall Issue; if so be the party or parties Plaintiff or Plaintiffs, his or their Servant, or Agent, shall desire the same; And in Case any person or persons, at such desire, shall be so Arrested or Taken, by any of the aforesaid, Officers, appointed by this Act who have not the Custody, or Keeping of Prisoners upon Execution, out of His Majesty's Four Courts, that then the Person or persons so taken, shall be Delivered to the Plaintiff, or his Servant, or Agent, to be carryed, and conveyed to the Sheriff, or other Officer having the Custody of the Goal of the said County, where the said Person or Persons shall be so Taken, at the Charge and Peril of the said Plaintiff; who is hereby required to Receive and Keep, him or them, in safe Custody; which said Sheriff, or other Officer, having the Custody of the said Goal, shall be chargable with the said Debter or Debtors, in like manner as if such Debtor or Debtors had been taken upon a Capias ad Satisfaciendum, upon a Judgment at Common Law.

And be it further Enacted by the Authority aforesaid, That the said several Sheriffs, Coroners, Bailiffs, Seneschals, Stewards,

and High-Conſtables in their reſpective Limits and Precincts, ſhall by the Authority of this Act, have full power and Authority upon ſuch Warrant of Execution, againſt any perſon or perſons Goods, at the deſire of the party or parties, Plantiff or Plantiffs, his, or their Agent or Servant, to Seize and take the ſaid perſon or perſons Goods, and Chattles perſonal, in Execution, and the ſame to Appraiſe by the Appraiſers of the Pariſh, or Barony, where the ſame ſhall be ſo taken or Seized, and ſhall give the Debtor, or Debtors if ſo be, he or they may be found the Firſt Refuſal of the ſaid Goods and Chattles perſonal, at the Appraiſed Rate; which if the ſaid Debtor, or Debtors, ſhall refuſe, or neglect to pay within Ten days after ſuch Appraiſement, then the ſaid Goods and Chattles perſonal, ſhall be ſold and delivered to the Plantiff his Servant, or Agent, he or they paying according to the Appraiſed Values, to the party or parties Intereſted, whatſoever Summ or Summs of Money the ſame ſhall amount unto, over and above the ſaid Principal Debt, Intereſt and Coſts, according to the true intent and meaning of this Act and for which the ſaid Warrant of Execution ſhall be a ſufficient Authority to the ſaid Sheriff, Coroner Bailiff, Seneſchal, Steward, and High-Conſtable, and to every, or any of them, and that the ſaid Sheriff, Coroner, Bailiff, Seneſchal, Steward, or High-Conſtable, ſhall make return thereon, in what manner the ſaid Warrant was Executed, to the Regiſter of the County, or his Deputy or Deputies, from whence the ſaid warrant of Execution Iſſue, at or before the next Quarter-Seſſions of the Peace, to be holden for the ſaid County, after ſuch Execution Executed; which warrant of Execution, with the Return thereof, ſhall be read in the open Court, and there Filed and kept by the ſaid Regiſter, or his Deputy, and in caſe the Sheriff or any other Officer, as aforeſaid, appointed by this Act, ſhall on any ſuch warrant of Execution, take any perſon or perſons, or his, or their Goods, or Chattles perſonal, in purſuance, or by Colour of this Act, and ſhall refuſe, or neglect to execute, or make return of ſuch warrant of Execution in reaſonable time, after the delivery thereof, and according to the Direction of this Act, upon reaſonable demand made by the Plantiff or Plantiffs his or their Servant, or Agent, that then ſuch Sheriff, or other Officer, as aforeſaid, refuſing, or neglecting ſo to do, ſhall be lyable to an Action on the Caſe, at the Suite of the ſaid Plantiff or Plantiffs his, or their Executors, or Adminiſtrators, in like manner, as if the ſame had been on Execution, Executed on any Judgment at Law, either upon the Body, or Goods; and ſhall pay Treble Coſts in caſe Judgment ſhall paſs for ſuch Plantiff or Plantiffs, his, or their Executors or Adminiſtrators.

Provided always and be it further Enacted and Declared, by

by the Authority aforesaid, That all and every person or persons Plantiff, or Plantiffs in every such warrant of Execution, shall from time to time, and at all times before such Execution made and Executed, be at full Power and Liberty to make his Election or Choice, whether he will have the Body or Bodies or Goods personal, taken in Execution of the party, or parties, Defendant on such warrant of Execution as aforesaid: And that the said Sheriff, Coroner, Bailiff, Seneschal, Steward and High Constable, and every of them, shall pursue the Direction of the Plantiff or Plantiffs, his or their Servant or Agent therein and in Case the Plantiff, or Plantiffs his, or their Servant, or Agent, shall procure the said Defendants Body to be taken in Execution, then no further Execution on the Defendants Goods, shall be during the continuance of the said Defendants Imprisonment; or in Case the Plantiff, or Plantiffs, his or their Servant or Agent, shall procure such Defendants Goods and Chattles personal, to be taken in Execution, which on Appraisment shall appear to be sufficient to answer the said Complainants Debt Principal, Interest and the Costs herein after allowed that then, no Execution shall be made on the said Defendants person, any thing herein contained to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That it shall, and may be Lawful, to and for such person or persons, to whom any Money shall be Due or Owing by such Bond or Bill, upon the back of such Bond or Bill, in manner, as is aforesaid, directed to Transfer or Assign the Money so Due and Owing, together, with the Interest then accrued or to accrue, and the Costs paid in pursuance, or according to the Direction of this Act, to any other person or persons whatsoever; and the same so Assigned or Transferred, such Assignee or Assignees, his, or their Executors or Administrators, shall have the Entire and sole Right, Interest and Property in the said Bond or Bill, together with the Money, Principal, Interest and Costs due thereon, Exclusively of any Right, Property or Interest of any other person or persons, his or their Executors, or Administrators, to whom the same was formerly Entred into, or Transferred, or Assigned, and that no Release or Discharge of any such former Proprietor, after such Assignment, or Transferring, as aforesaid shall any way operate to the Prejudice, or Damage of the party or parties, to whom the same shall be, as aforesaid, Assigned or Transferred; but that the Assignee or Transferee, Assignees or Transferrees, his, or their Executors, Administrators or Assignes who have, or hath the Right, or Interest in the said Bond or Bill shall have the Warrant of Execution in his, or their own Name or Names, in as large, ample and beneficial manner, as if the

said

ſaid Bond or Bill, had been at firſt made to him or them; any Law, or Cuſtom to the contrary notwithſtanding.

Provided always, That the Transferring, or Aſſigning of ſuch Bond or Bill, ſhall not any way Extend, or be Conſtrued to Extend, to oblidge the perſon or perſons, or Goods and Chattles of the party, or parties ſo Transferring, any thing in this Act, or any other Cuſtom or Law, to the contrary hereof in any wiſe notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That in caſe any perſon or perſons, ſhall preſume to Forge, or Counterfeit any Juſtice of the Peace's Hand or Seal, to any ſuch Bond or Bill, or the Hand and Seal of Office of any ſuch Regiſter, or his Deputy or Deputies, to any ſuch Warrant of Execution or to any Indorſments, by ſuch Regiſter, or his Deputy or Deputies made, Certifying that ſuch Bond, or Bill was Regiſtred according to, or in Purſuance of this Act, ſuch perſon or perſons ſo Offending, and thereof duly Convict, ſhall ſuffer ſuch Pains, Penalties and Forfeitures, as a Felon, without Benefit of Clergy.

And for the better preventing of all Partial, and Unfair Practices, by any Sheriff, Coroner, Bailiff, Seneſchal, Steward, or High-Conſtable in the Execution of this Act, or any part thereof

Be it Enacted by the Authority aforeſaid That it ſhall, and may be lawful, to and for the Juſtices of Aſſize in their ſeveral Circuits, and Ridings, at their General Aſſizes, and to and for the Juſtices of the Peace, at their General Quarter-Seſſions, in their reſpective Counties, where ſuch Partial, or Unfair Practices, ſhall be by them, or any of them committed, or done: and they are reſpectively hereby required, upon complaint thereof, to cauſe the party or parties Offending, as aforeſaid, to be thereof Indicted; and in caſe the party Offending, ſhall not ſubmit, he ſhall be with all reaſonable ſpeed Tried, and if Verdict ſhall paſs againſt him, or in caſe he ſhall ſubmit, that then the Judge or Judges of Aſſize, or Juſtices of the Peace, or Major part of them, ſhall, and may, by the Authority of this Act, and are hereby required to lay ſuch Fine as to them reſpectively ſhall ſeem meet, and reaſonable, not exceeding Ten pounds, the ſame to be Levyed within Thirty days after ſuch Fine Impoſed by Warrant of the ſaid Court reſpectively, where the ſaid complaint ſhall be made, upon the Goods of the perſon ſo Offending and Convict as aforeſaid: without further Appeal, or Suit, in Law or Equity. Provided always, That in Caſe the perſon ſo Offending, ſhall within the ſaid Thirty days, make Satisfaction to the party or parties grieved, and ſhall procure his or their Certificate, under his, or their Hands and Seals, to that Effect

and

and purpoſe, to the Clerk of the Crown, or Clerk of the Peace, reſpectively Directed, who is to Iſſue ſuch Warrant, as aforeſaid; that then, and in ſuch Caſe, the ſaid Clerk of the Crown, or Clerk of the Peace reſpectively directed, who is to Iſſue ſuch Warrant as aforeſaid; that then, & in ſuch Caſe, the ſaid Clerk of the Crown, or Clerk of the Peace reſpectively, are hereby requi-red to make ſtay of ſuch Warrants, till the next Aſſizes, or next Quarter Seſſions reſpectively; at which time it ſhall, and may be lawful, to, and for the Judge or Judges of Aſſize, or Juſtices of the Peace, or Major part of them, upon application to them reſpectively, at their General Aſſizes, or General Quarter-Seſſions in open Court, the party or parties injured, being firſt ſatisfied, as aforeſaid, to reduce ſuch Fine or Fines, according to his, or their reſpective Diſcretion or Diſcretions.

And be it further Enacted by the Authority aforeſaid, That in Caſe any perſon or perſons, as aforeſaid, Taken in Execution by any ſuch warrant of Execution in purſuance of this Act, ſhall Dye in Execution, the Debt ſhall not be Diſcharged thereby, but be lyable to be Levied, and Raiſed in manner as aforeſaid, by warrant of Execution, upon his, or their Goods and Chattles perſonal, whereever they may be found in this Kingdom. And to the end, Exaction or Extortion of Fees for, or concerning the Execution of this Act, may be prevented.

Be it further Enacted by the Authority aforeſaid, That the Regiſter's Fees for Entring the ſaid Bond or Bill, and Certifying the ſame, ſhall be Six pence and no more; And for Iſſuing a Warrant of Execution, One ſhilling and no more; And for Entring of a Diſcharge of the ſaid Bond or Bill, Three pence and no more; And for Entring each Transfer, if deſired, two pence and no more; And that the Fees of the ſaid Sheriff, Coroner, Bailiff, Seneſchal, Steward or High-Conſtable, for the taking of the ſaid Obligor, or for taking of his Goods and Chattles on the ſaid Warrant of Execution, ſhall be One Shilling and no more; And to the Appraiſer or Appraiſers of ſuch Goods and Chattles perſonal, Six pence in the pound and no more; And to ſuch Officer or Officers, to whom the Cuſtody of the ſaid perſon in Execution ſhall be Committed, Six pence in the pound and no more.

And be it further Enacted by the Authority aforeſaid, That in Caſe any perſon or perſons, ſhall corruptly take, or make any Falſe Oath, or Suborn, or Procure any perſon or perſons, corruptly to make ſuch Falſe, Oath, for any matter or thing relating to this Act, ſuch perſon or perſons, corruptly making ſuch Falſe Oath, or procuring ſuch Falſe Oath, corruptly to to be made, being thereof Lawfully Convict, ſhall for every ſuch Offence, Incur and Suffer, ſuch and the like pains and penalties, as are mentioned and preſcribed, to be inflicted on perſons Offending in Caſes of Perjury and Subornation, by one Act

made in this Kingdom, in the Eighteenth year of the Reign of the late Queen Elizabeth of ever Glorious Memory. Intituled, An Act concerning willful Perjury.

And for preventing of the Abuses or Irregular Proceedings which may be otherwise committed or done by Registers, or their Deputies in the Execution of this Act.

Be it Enacted by the Authority aforesaid, That every Register, or his Deputy or Deputies, of any County, or County of a City, or County of a Town, within this Kingdom, shall and are hereby required, to deliver to the Clerk of the Peace at every Quarter-Sessions, and to the Justice of the Peace, who is Chairman at such Quarter-Sessions, and to each of them, a Book fairly drawn and Signed by such Register, or his Deputy which shall be a true Copy of all Entries made since the former Sessions; in which Books, the said Clerk of the Peace, and Justice of the Peace, shall enter respectively, such Rules, Orders and Proceedings, as shall be made at that Quarter-Sessions, and in open Court, shall cause the said Register to read over his Book, comparing it with the said Clerk of the Peace's Book and the said Justice's Book, and making them all to agree; which being done, the said Justice of the Peace, Register, or his Deputy, and the Clerk of the Peace, shall all of them in open Court, in the presence of the Justices, composing the said Court, Sign their respective Names in each Book, and then the said Justices, of the Peace, shall keep one of them, the Register another and the Clerk of the Peace the third, which said Books, or two of them at least, shall be from Session to Session, brought into Court by the respective persons aforesaid,

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An Act for Dividing the Parish of Saint *Michan's* within the City and Suburbs of *Dublin*, into three distinct Parishes.

CHAP. XLI.

Whereas that part of the City and Suburbs of Dublin, lying Northward of the River Liffy, commonly called Oxman-town, consists only of one Parish, called the Parish of Saint Michan's; and by the late increase of Buildings and Inhabitants there, is become a Cure too great to be Discharged by one single Minister, and the Parochial Church there, is not large enough for the convenient accommodation of the Parishioners there, to hear Divine Service, and perform Religious Duties in, as also for that some part of the same Parish lyeth at too great a distance from the Parochial Church.

For Remedy therefore of the said inconveniencies, and to the end

end that the Cure of the Souls of the Inhabitants of the said Circuit of Ground may be better attended, then the same can be by one single person, and the said Inhabitants be Encouraged by the accomodation they will have for the worship of God, in publick, frequently and constantly to resort to their several Parish Church, for the due performing their Religious Duties there.

Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, that the said Parish of Saint Michan's shall from the Twentieth Day of November next, which will be in this present Year of Our Lord One Thousand Six Hundred Ninety Seaven, be Divided into three several Parishes, and the said Precinct, or Compass of Ground, of which the same doth now consist, shall from the said Twentieth Day of November next, for ever hereafter, be three several Parishes, to be divided, separated, and distinguished as is herein-after mentioned, and be called by the Names of the New Parish of Saint Michan's the Parish of Saint Mary, and the Parish of Saint Paul; according to such their Division and Discription after-mentioned, each of which, shall be separate, and independant from the other, and shall each of them by themselves have all Parochial Rights and Priviledges, as separate and distinct Parishes: And that there shall be for each of them a several Parochial Church, and a Rector, or Minister several and independant from the other, and constant and perpetual succeeding Rectors, or Ministers there for ever, who shall each of them respectively have Cure of Souls in the said respective Parishes, and have, enjoy, and receive from the Inhabitants of their said respective Parishes, all such Tythes, Oblations, Obventions, Ministers Money, Mortuaries, Easter Books, and other Duties, Rates, Assessments, or Taxations, as Arise, Grow, or Renew within the said respective Parishes, and are due, and of right ought to be paid to the Rectors or Ministers of such Parishes: And that there shall be for each of the said Parishes, Church-wardens, a Parish Clerk, and other usual Parish Officers, in succession for ever, who shall perform the several and respective Parish Duties, belonging to their respective Offices, and have and receive the several and respective profits, Benefits, Priviledges, and Advantage usually enjoyed, with and of right belonging to such respective Offices in parishes.

And be it further Enacted by the Authority aforesaid, That that part of the old parish of Saint Michan's herein after particularly described, and containing the particular Streets, Lanes, places, and Houses herein after mentioned, shall from the

the said Twentieth Day of November next, be the parish of Saint Paul, and so for ever hereafter be Called, Deemed and Taken; That is to say, all those the Houses and Lands on the West side of Smithfield, and also an Alley there called Peter's-Alley on both sides, and cross Channel-Row, the breadth of the said Peter's-Alley, to the Countess Dowager of Drogheda's House, excluding the said House, and from the said Countess of Drogheda's House Westward and North-ward as fair as the Ancient Bounds of the parish of Saint Michan's do extend, and from the said West side of Smithfield, Southward by the Glass-house, including the said Glass-house; as also the back Stables, and Arran's-Key, to Mr. Thornton's House, exclusively as far as the River Liffy, and thence also Westward as far as the Bounds of the old parish reach.

And be it further Enacted, That all that parcel of Ground within the parish of Saint Paul, herein after described (That is to say) all that part of the Ground or Green, called Oxmantown-Green, lying at the South end thereof, as the same is now staked and set out, containing from East to West, One hundred and Twenty Foot, and from South to North, Two hundred and Fifty Foot, shall be set a-part, and applied to, and for ever after the said Twentieth day of November next, Held and Enjoyed for the Uses following, viz. such part thereof as by the Chief Governour or Governours, and Council of this Kingdom for the time being, shall be appointed for that purpose, to be for the Building of a parish Church, Vestry-house, and other Rooms and Conveniencies necessary for a Church for the Use of the Minister and parishioners of the said parish to serve God there, and the residue thereof to be for a Church-Yard, Cemetry, or Burying place, for the Use of the said parishioners of the said parish; which said Church, as soon as the same shall be Built, shall be Dedicated to the Service of God, and be a separate parish Church distinct from the Old parish Church of Old Saint Michan's, aforesaid, and be called the parish Church of the parish of Saint Paul, and that Ezekiel Burridge, Clerk, Master of Arts, shall be the present, and immediate Rector, or Minister of the said Church, after the said Twentieth day of November next, subject nevertheless to the Visitation and power of the Ordinary of the Diocess, in such manner as the Rector of the Old parish was, and no otherwise, and to such other Cannons Rules and Laws Ecclesiastical, as Ministers, or Rectors of Churches are usually, and of right ought to be subject or liable unto; and that Edward Corker, and Henry Westenra, Esquires, shall be the present and immediate Church-wardens for the said Church, to continue in their said Office until the Feast of Easter, which shall be in the Year of Our Lord One thousand

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Six hundred Ninety nine, at which time, and so for ever hereafter, at every Easter in each year, Two others shall be chosen in the Vestry of the said Parish according to the usual course for choosing such Officers.

And it is hereby further Enacted, That all that part of the said Parish of Old Saint Michan's, herein after particularly described, and containing the particular Streets, Lanes, Places and Houses, herein-after mentioned, shall after the said Twentieth Day of November next, be the Parish of Saint Mary, and so for ever hereafter be Called, Deemed, and taken (That is to say) All that Street called Capell-Street, from Essex-Bridge, all Strand-Street to the corner of White-Lyon-Court, Including the said Court, Saint Mary-Abby on both sides to Boot-Lane, Exclusively of the said Lane, Saint Mary-Street on both sides to Boot-Lane, Exclusively of the said Boot Lane, the Houses of Edmund Reynell and Richard Thompson, Esquires; and thence up Drumcondra-Lane, as far as the Old Parish of Saint Michan's reacheth, and all that part of the said Old Parish as lyes East-wards of the said Bounds of the Parish of Saint Mary already described.

And be it further Enacted That all that parcel of Ground within the said parish of Saint Mary, herein after described (That is to say) that part of Ground on Piphoe's Park, fronting Northward to the pavement on the South side of Saint Mary-Street over against Sir Arthur Cole's House where the Lord Chancellour now Dwelleth, containing from East to West, One hundred and Thirty Foot, and from North to South to Abbey-Street, Two hundred Foot, and bounded on the East and West, with the Ground intended for Two new Streets, not yet named, shall be set a part, and applied to and for ever after the said Twentieth Day of November next, be Held and Enjoyed for the Uses following viz. Such part thereof, as by the Chief Governour or Governours, and Council of this Kingdom, for the time being, shall be Appointed for that purpose, to be for the Building a Parish Church, Vestry-House, and other Rooms and Conveniencies necessary for a Church, for the Use of the Minister and Parishioners of the said Parish of Saint Mary, to serve God there, and the residue thereof, to be for a Church-Yard, Cemetry, or Burying place, for the Use of the Parishioners of the said Parish and the said Church as soon as the same shall be Built, shall be Dedicated to the service of God, and be a separate Parish Church, distinct from the Old Parish Church of Saint Michan's, aforesaid, and be called the Parish Church of the parish of Saint Mary, and that Peter Brown, Clerk, Batchellor of Divinity, shall be the present and immediate Rector, or Minister of the said Church, after the said Twentieth Day of November next, subject nevertheless to the Visitation and power

of the Ordinary of the Diocels, in ſuch manner, as the Rector of the ſaid Old Pariſh of Saint Michan's was and no otherwiſe, and to ſuch Cannons Rules & Laws Eccleſiaſtical, as Miniſters and Rectors of Churches are uſually, and of right ought to be ſubject or lyable unto; and that Robert Rochfort, Eſquire, His Majeſty's Attorney General, and Allan Brodrick, Eſquire, His Majeſty's Sollicitor General, ſhall be the preſent and immediate Church-wardens for the ſaid Church, to continue in their ſaid Office, until the ſaid Feaſt of Eaſter, in the year of Our Lord, One thouſand Six hundred Ninety nine, at which time, and ſo for ever hereafter, at every Feaſt of Eaſter in each year, Two others ſhall be choſen in the Veſtry of the ſaid Pariſh according to the uſual courſe for chooſing ſuch Officers.

And it is hereby further Enacted by the Authority aforeſaid, That all the reſt and reſidue of the ſaid Pariſh of Old Saint Michan's, not herein before Taken out, or Appointed for the ſaid Pariſhes of Saint Paul and Saint Mary, or either of them, ſhall be the New Pariſh of Saint Michan's, and ſo for ever after the ſaid Twentieth Day of November next, be Called, Nämed and Taken. And that the now Pariſh Church, in the Old Pariſh Church of Saint Michan's, and the Rectory thereof ſhall be and be called the Prebend of Saint Michan's, belonging to the Cathedral of Chriſt Church, Dublin, as the Rectory of the Old Pariſh of Saint Michan's was; and the ſame Church, with the Church-yard, Cemetry, Vaults, Veſtry-houſe, Rooms and Buildings, and Burying places belonging to the ſaid Old Pariſh of Saint Michan's, ſhall for ever after the ſaid Twentieth Day of November next, be for the Uſe of the Miniſter, and Pariſhioners of the ſaid New Pariſh of Saint Michan's, for, and in Order to the ſervice of God there, and for a Cemetry, Church-yard, or Burying place for the Pariſhioners of the ſaid Pariſh; and that John Clayton, Clerk, Maſter of Arts, ſhall be the preſent and immediate Rector, or Miniſter of the ſaid Church, after the ſaid Twentieth Day of November next, and be a Prebendary of the Cathedral of Chriſt Church, in Dublin, as the Rector of the ſaid Old Pariſh was, ſubject nevertheleſs to the Viſitation, and power of the Ordinary of the Diocels, in ſuch manner as the Rector of the ſaid Old Pariſh of Saint Michan's was, and no otherwiſe, and to ſuch other Cannons, Rules, and Laws Eccleſiaſtical, as Miniſters and Rectors of Churches are uſually, and of Right ought to be ſubject and Lyable unto; and that Sir Patrick Dunn, Knight, Doctor in Phiſick, and Charles Ward, Eſquire, ſhall be the preſent and immediate Church-wardens for the ſaid Church, to continue in their Office untill the Feaſt of Eaſter, which ſhall be in the Year of Our Lord, One thouſand Six hundred Ninety nine, at which time, and ſo for ever hereafter

after, Two others shall be chosen in the Vestry of the said parish according to the usual course for chusing such Officers.

And be it further Enacted by the Authority aforesaid, that the several rates and Taxations already made, and Settled for the several Houses and Lands within the said several parishes before the division thereof, while the precincts thereof were part of the Parish of Old Saint Michan's, and which were payable, or intended to be payable to the Minister, or Rector of the said Old Parish shall be the Rates and Taxations payable, and to be paid in each of the said New parishes to the respective Rectors or Ministers hereby appointed for such New parish and other succeeding Rectors or Ministers for ever, for the several Houses and Lands, in each of the said New parishes respectively.

And be it further Enacted by the Authority aforesaid, that the Chief Governour or Governours, and Council of this Kingdom, shall with all convenient speed, after the said Twentieth Day of November next, Constitute and Appoint a certain number not exceeding Seaven, of Discreet persons inhabiting in the said Old parish of Saint Michan's according to the Extent of the said parish before the making of this Act, to be Commissioners for erecting the said New Churches, Enclosing the Church yards, Erecting Galleries, pulpits, Desks, pews, and other necessary Ornaments of the said Churches, and also for Repairing the said Old parish Church of Saint Michan's; who are hereby required within one Month after they shall be so Nominated and Appointed, to give in an Estimate in Writing, to the said Chief Governours and Council for the time being, under the Hands of five or more of them, of the Charges necessary for Building Finishing and Repairing the said several Churches and providing such Ornaments; after which Estimate so Returned in, the Chief Governour or Governours and Council of this Kingdom, shall Nominate and Appoint such person or persons as to them shall seem meet, to Take and Receive the Subscriptions, and Contributions of such person and persons, Bodies pollicick and Corporate, as shall be willing to contribute any thing towards the Building the said Churches, and other conveniencies, and to Collect and Receive the Money so Subscribed: of which Subscriptions and Collections, such person or persons so to be Appointed, shall within Three Months after their being so Appointed, make true return to such Chief Governour or Governours and Council, and pay the same according to their Direction. And for the Levying and Raising so much as shall Remain to be Raised of the said Summ Required in such Estimate, it shall and may be lawful to, and for the Chief Governour or Governours, and Council

of

of this Kingdom for the time being, to Appoint Thirty Discreet persons Inhabiting within the said parish of Old Saint Michan's, as the same was before the making this present Act, to be Assessors, and Applotters, to Applot and Apportion such summ so remaining, to be Raised, or so much thereof as shall be thought Necessary, and Approved of by the said chief Governour or Governours, and Council of this Kingdom on the several Inhabitants, Owners, & Occupiers of the several Houses, Lands, and Tenements, within the said Old parish of Saint Michan's, as the same was before the making of this Act respectively, by an equal pound rate according to the Yearly value of such Houses, Lands and Tenements, and to settle what proportion shall be paid thereof by the Landlord, and how much thereof by the Tenants, and to make a true return of such Assessment and Applotment, under their Hands or the Hands of seaventeen or more of them, to the said chief Governour or Governours, and Council of this Kingdom, within Two Months after they shall be so Appointed Assessors, in manner aforesaid; and such Assessors so to be Appointed, are hereby Required to make such Applotment, and to return the same accordingly.

And be it further Enacted by the Authority aforesaid, that the summ and summs so Applotted on the Inhabitants, Owners, and Occupiers of such Houses, Lands and Tenements, according to such pound rate, shall be paid by Eight Quarterly payments in Two Years next Ensuing such Applotment; the First Quarterly payment to commence on the Twenty Ninth Day of September, which shall be in the Year of Our Lord One Thousand Six Hundred Ninety Eight, which return being Approved of by such chief Governour or Governours, and Council for the time being, shall be as good and effectual a charge on every particular Inhabitant, Owner or Occupier of any House or Houses, Lands or Tenements there, as if the very same summ or summs had been particularly Exprest and Enacted to be charged upon such Inhabitant, Owner, or Occupier of such House or Houses, Lands and Tenements, and shall be paid by such person or persons, on whom they shall be so charged respectively.

Provided always, that no person or persons shall Act as Commissioner, or Assessor, in manner aforesaid, before he or they shall have taken an Oath before the Lord Mayor, or Recorder of the City of Dublin, for the time being, who are hereby Authorized to Administer the same, Truly to Assess each Inhabitant, Owner, or Occupier of any House or Houses, Lands or Tenements, within the said Parishes; and every of them according to the best of his, or their Skill, or Knowledge, without easing any person or persons for

for Favour or Affection, or Charging any perſon through Hatred or Prejudice; which ſaid Aſſeſſors ſhall each of them be Taxed and Aſſeſſed by themſelves, by the Majority of the Pariſhioners of the ſaid Old Pariſh of Saint Michan's, at an Aſſembly of them to be had for that purpoſe, in the nature, and according to the courſe of their holding a Veſtry; and each of the ſaid Aſſeſſors ſhall withdraw during the time of their reſpective Aſſeſſment, and not be preſent at the making of the ſame.

And be it further Enacted, That it ſhall, and may be lawful, to, and for the ſaid Chief Governour and Governours and Council of this Kingdom, for the time being, to remove any ſuch Commiſſioner or Aſſeſſor, as they ſhall ſee cauſe, and to appoint one or more other perſon or perſons of the ſaid Pariſh in the Room of ſuch as ſhall be ſo removed; and alſo on the Death of any ſuch Commiſſioner or Aſſeſſor, to appoint others of the ſaid Pariſh in their Room from time to time.

And be it Enacted by the Authority aforeſaid, that it ſhall and may be lawful, to, and for the ſaid Commiſſioners and Aſſeſſors, or the Major part of them; and they are hereby required to Appoint, and Return to the ſaid Chief Governour or Governours and Council, under their Hands, or the Hands of Seaventeen or more of them, the Names of Nine perſons to be Superviſors for Repairing the ſaid Church of Saint Michan's, and Building and Providing the ſaid Two New Churches, and other conveniencies belonging thereunto, and for Diſburſing and Laying out the Summ and Summs of Money to be Expended, in, and about the ſame: As alſo for Taking and Receiving all Accounts relating thereunto, which they, and each of them, are hereby Required to Execute accordingly; the ſaid Accounts nevertheleſs, to be Subject to the Inſpection, and Control of the Commiſſioners and Aſſeſſors, aforeſaid, or any Seaventeen of them.

And it is hereby further Enacted, that the ſaid Superviſors, or any five or more of them, ſhall, and may from time to time, and as often as they ſhall think fit, appoint Two or more perſons to be Collectors for the ſaid Pariſhes, or ſuch parts of them or either of them, as they ſhall think fit to Collect, and gather the ſeveral Summ and Summs ſo to be ſett, and charged on the ſeveral perſons within the limits of ſuch their reſpective Collections; who are hereby Required to Collect and gather in the ſame accordingly, and to pay what they ſhall ſo Collect from time to time, as they ſhall be thereto Required by ſuch perſon or perſons as by the ſaid Superviſors, or any five or more of them, ſhall be appointed Treaſurer, or Receiver for the ſame, as is herein after mentioned, whoſe Receit for the ſame ſhall be a ſufficient Diſcharge to ſuch Collectors. And ſuch Collectors

shall from time to time, when thereunto required by the said Supervisors, or any five or more of them, render a just and true Account to them, of such their several Collections, and payments, on which Account they shall be allowed for their pains in such Collection, such Summ and Summs of Money, not Exceeding Twelve pence in the pound, as such Supervisors shall agree with them for, or think fit; and that the said Collectors shall, and are hereby required, in case of neglect, or refusal of any person or persons, to pay the Summ Charged on him or them, to Levy the same by Warrant under the Hands and Seals of the said Supervisors, or any Five or more of them, by Distress and Sale of the Goods of such Inhabitant, Owner, or Occupier, so refusing to pay the Summ or Summs so Assessed, or Applotted on him or them, rendring the surplus to the Owner of such Goods.

And that the said Supervisors, or any five or more of them, shall within Twelve Months after the said Twentieth Day of November next; and so once every year, until the said Churches shall be Built, name One or more person or persons, to be Treasurer, or Receiver for the ensueing year, of all such Money as shall be Collected, or Raised for the said Work; such Treasurer to be approved of by the said Commissioners or Assessors, or any seaventeen of them. And the said Treasurer shall also pay such summ or summs for the Uses aforesaid, as by the said Supervisors, or any five or more of them shall be Directed: And that the said Treasurer shall for his pains and trouble therein, Receive such Sallary, as by the said Supervisors, or any five or more of them shall be deemed reasonable, not exceeding three pence in the pound: And the said Supervisors, shall also out of the Money to be Collected, as aforesaid, Have and Receive such reward, as by the said Commissioners, or any seaventeen of them shall be Deemed reasonable, and shall also from time to time, make such Rules, Orders and Directions, for, and towards the carrying on of the aforesaid Buildings, and Works, as to them, or the Major part of them shall seem meet and reasonable.

Provided always, that if any person or persons, shall think him or themselves Agrieved, or Injured by the said Commissioners, Assessors, or Supervisors: It shall, and may be lawful to, and for such person and persons, to make his and their Complaint to the Chief Governour or Governours, and Council of this Kingdom for the time being, who are hereby Impowered to give such Redress and Relief, to the person and persons so Complaining, as to them shall seem just and reasonable.

And be it further Enacted by the Authority aforesaid, That from, and after the said Two Churches shall be Built and Finished

niſhed, as aforeſaid, and the ſaid Old Church of Saint Michan's once Repaired, the Miniſter or Rector, and pariſhioners of each of the ſaid pariſhes ſhall, and may hold Veſtries, and make By-Laws, Rules and Orders, for the Regulation and Ordering of their reſpective pariſhes, Reparations of the ſaid pariſh Churches from time to time, and all other matters incident to pariſhes, according to courſe, and as any other pariſhes, of and in the City of Dublin, or elſewhere, may or can do, which ſhall have the ſame, and no greater force and effect in Law, as By-Laws, Rules and Orders made in ſuch other Pariſhes, have, or ought to have.

Provided always, That nothing in this Act contained ſhall extend to bar or hinder the Reverend Doctor John Pooley, Dean of Kilkenny, and late Incumbent of the ſaid Old Church of Saint Michan's, Richard Tigh, Robert Conſtantine, and Andrew Rock, late Church wardens for the ſaid Church, or either of them their, or either of their Executors or Adminiſtrators, from Recovering all ſuch Summs as have been Ordered to, or for them, or either of them, by Virtue of any Decree, Act of Veſtry, or otherwiſe by them heretofore obtained againſt the Pariſhioners, and Inhabitants thereof.

And it is hereby further Enacted That the right of Patronage of the ſaid Rectories and of Preſentation to the ſaid three Churches on the avoidance of each of them reſpectively, by the Death, Ceſſion, or Removal of the reſpective Incumbents hereby appointed for the ſame, ſhall belong unto the Dean and Chapter of Chriſt Church in Dublin, and their Succeſſors for ever, in ſuch manner, as the Nomination, or Preſentation to the Rectory of the Old Pariſh of Saint Michan's did belong to them, and no otherways.

And whereas there are ſeveral ſumms of Money due, and in Arrear from ſeveral of the Pariſhioners of the ſaid Old Pariſh of Saint Michan's, to the Reverend Doctor John Pooley, Dean of Kilkenny, and late Rector, or Miniſter of the ſaid Old Pariſh, for the Taxation, or Aſſeſſment of the ſaid Pariſhioners, towards the ſupport of the Miniſter thereof, for their reſpective Houſes or Lands within the ſaid Pariſh.

Be it Enacted by the Authority aforeſaid, That the ſaid Dean of Kilkenny, his Executors or Adminiſtrators, notwithſtanding his Removal from the ſaid Pariſh, by his Promotion to the Biſhoprick of Cloyne, or by this preſent Act, ſhall, and may have and maintain ſuch Remedy for Recovery of ſuch Arrears, as before ſuch his Removal he might have had or maintained; or in Caſe he the ſaid Dean of Kilkenny, ſhall chooſe rather to bring his Action of Debt for ſuch his Arrears, in any of his Majeſty's Courts of Dublin; he ſhall, or may have and maintain ſuch

Action

Action for such Arrears, against the respective persons from whom the same are so due, his or their Executors or Administrators.

And it is hereby further Enacted that the Summ of Twelve pounds, Eleven shillings, being payable to His Majesty, for the First Fruits of the said old Parish of Saint Michan's, shall be paid and born by all the said Parishes in manner, and according to the proportions following, viz. The Summ of Three pounds part thereof by the Minister or Rector of the said Parish of Saint Paul's, for the time being; The Summ of Four pounds more thereof, by the Rector or Minister of the said Parish of Saint Mary, for the time being; And the Summ of Five pounds Eleven shillings, residue of the said Summ of Twelve pounds, Eleven shillings, by the Minister or Rector of the said New Parish of Saint Michan's, for the time being; and that the Twentieth part also due to His Majesty, for the said Old Parish shall be paid and born by the Ministers of the said several Parishes respectively, according to the same proportions, as the said First Fruits are herein before appointed to be paid.

FINIS.